

# **EXHIBIT 7**

**Excerpts of Deposition of Gene Deetz  
(Oct. 19, 2016), Case No. 15-cv-3378,  
Dkt. No. 322-3 (Jan. 6, 2017)**

# **EXHIBIT B**

## DEPOSITION OF GENE DEETZ

UNITED STATES DISTRICT COURT  
CENTRAL DISTRICT OF CALIFORNIA

5 GOLDEN BOY PROMOTIONS, LLC, )  
6 GOLDEN BOY PROMOTIONS, INC., )  
7 AND BERNARD HOPKINS, )  
8 VS. ) CASE NO.  
9 ALAN HAYMON, ALAN HAYMON ) 2:15-CV-03378  
DEVELOPMENT, INC., HAYMON ) JFW (MRWX)  
HOLDINGS, LLC, HAYMON )  
SPORTS, LLC, HAYMON BOXING )  
MANAGEMENT, HAYMON BOXING, )  
LLC, AND RYAN CALDWELL, )  
DEFENDANTS. )

DEPOSITION OF GENE DEETZ, TAKEN ON BEHALF OF THE DEFENDANTS, AT 865 SOUTH FIGUEROA STREET, TENTH FLOOR, LOS ANGELES, CALIFORNIA, COMMENCING AT 9:07 A.M., WEDNESDAY, OCTOBER 19, 2016, BEFORE TRACY M. FOX, CSR NUMBER 10449.

## DEPOSITION OF GENE DEETZ

09:21:43 1 SUGGESTING, IN -- IN THE POSSIBILITY.

09:21:45 2 SO IT'S THE EFFECT THAT CONTINUES THAT  
09:21:47 3 I'M -- I'M CAPTURING.

09:21:47 4 BY MR. WOLFSON:

09:21:47 5 Q. AND HOW WOULD THE EFFECT CONTINUE  
09:21:49 6 BASED -- DO YOU HAVE NO OPINION ON HOW THE EFFECTS  
09:21:51 7 COULD CONTINUE?

09:21:52 8 A. OTHER THAN THAT'S DESCRIBED IN  
09:21:53 9 DR. KNEUPER'S REPORT, NO, I DON'T HAVE ANY OPINION.

09:21:56 10 Q. SO THE DISTINCTION BETWEEN YOUR TWO  
09:21:58 11 MODELS -- THE ONE WITH THE CONTINUING LOST PROFITS  
09:22:00 12 AND THE MORE LIMITED LOST PROFITS -- ARE ENTIRELY  
09:22:03 13 BASED ON DR. KNEUPER'S REPORT?

09:22:09 14 A. WELL, THE LIABILITY ASSUMPTION IS  
09:22:11 15 BASED ON DR. KNEUPER'S WORK, THAT THERE'S -- THERE'S  
09:22:14 16 BEEN TYING TO AND A LOCKUP OF T.V. AND THE EFFECT OF  
09:22:18 17 THAT ON GOLDEN BOY'S BUSINESS PLAN.

09:22:20 18 THE -- THE TIME FRAME I'VE BROKEN DOWN  
09:22:23 19 INTO FOUR DIFFERENT STAGES. AND THE LAST STAGE --  
09:22:26 20 THE LAST ONE ON EXHIBIT 5 THAT WE'RE TALKING ABOUT --

09:22:30 21 Q. UH-HUH.

09:22:30 22 A. -- THAT GOES ON INTO THE FUTURE, IS ON  
09:22:33 23 THE ASSUMPTION THAT THAT EFFECT CONTINUES PAST 2017,  
09:22:36 24 I BELIEVE.

09:22:54 25 Q. OKAY. LET ME BACKTRACK.

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## DEPOSITION OF GENE DEETZ

09:22:56 1 SO, MR. DEETZ, CAN YOU TURN TO  
09:22:59 2 PARAGRAPH 9 OF YOUR REPORT.

09:23:06 3 A. I HAVE IT IN FRONT OF ME.

09:23:21 4 Q. NOW, SIR, IF YOU LOOK, THE SECOND  
09:23:23 5 SENTENCE IN PARAGRAPH 9, STATES:

09:23:24 6 "THE RELATIONSHIP BETWEEN  
09:23:25 7 GOLDEN BOY AND THE BROADCAST  
09:23:27 8 MEDIA," PAREN, (H.B.O.,  
09:23:30 9 SHOWTIME, FOX, AMONG OTHERS),"  
09:23:32 10 END PAREN, "AND GOLDEN BOY'S  
09:23:33 11 ABILITY TO PROMOTE SUCCESSFUL  
09:23:34 12 EVENTS REQUIRED, AMONG OTHER  
09:23:37 13 THINGS, CHAMPIONSHIP-CALIBER  
09:23:40 14 BOXERS AND NETWORK TIME-SLOT  
09:23:44 15 AVAILABILITY."

09:23:44 16 DO YOU SEE THAT?

09:23:46 17 A. I DO.

09:23:47 18 Q. SO IN YOUR OPINION HERE, YOU'RE  
09:23:47 19 STATING THAT GOLDEN BOY'S ABILITY TO PROMOTE  
09:23:50 20 SUCCESSFUL EVENTS REQUIRES BOTH CHAMPIONSHIP-CALIBER  
09:23:57 21 BOXERS AND NETWORK TIME-SLOT AVAILABILITY; RIGHT?

09:23:59 22 MR. CESTERO: OBJECTION. THE DOCUMENT  
09:23:59 23 SPEAKS FOR ITSELF.

09:24:00 24 THE DEPONENT: YEAH. THE -- THE  
09:24:01 25 RELATIONSHIP -- THE SENTENCE SAYS WHAT IT SAYS.

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## DEPOSITION OF GENE DEETZ

09:24:03 1 THE RELATIONSHIP BETWEEN GOLDEN BOY  
09:24:04 2 AND THE BROADCAST MEDIA AND GOLDEN BOY'S ABILITY TO  
09:24:07 3 PROMOTE REQUIRES, AMONG OTHER THINGS, THOSE TWO  
09:24:10 4 THINGS: CHAMPIONSHIP-CALIBER BOXERS AND NETWORK  
09:24:14 5 TIME-SLOT AVAILABILITY.  
09:24:15 6 BY MR. WOLFSON:  
09:24:15 7 Q. REQUIRES CHAMPIONSHIP-CALIBER  
09:24:17 8 BOXERS --  
09:24:17 9 A. RIGHT.  
09:24:18 10 Q. -- AS A NECESSARY INPUT FOR THEIR  
09:24:20 11 SUCCESSFUL EVENTS?  
09:24:21 12 A. YES.  
09:24:21 13 Q. OKAY. NOW, YOU CITE TO DR. KNEUPER --  
09:24:26 14 KNEUPER'S REPORT?  
09:24:27 15 A. EXCUSE ME.  
09:24:29 16 YEAH, IT'S DR. KN- -- IT'S KNEUPER, " I  
09:24:30 17 BELIEVE.  
09:24:38 18 Q. OKAY. AND YOU CITE TO DR. KNEUPER'S  
09:24:41 19 REPORT FOR THE CRITERIA FOR CHAMPIONSHIP-CALIBER  
09:24:43 20 BOXERS; IS THAT RIGHT?  
09:24:44 21 A. YES.  
09:24:45 22 Q. AND YOU CITE TO MR. SHAW -- GARY  
09:24:49 23 SHAW'S REPORT HERE FOR THE PROPOSITION THAT GOLDEN  
09:24:52 24 BOY HAS TO HAVE CHAMPIONSHIP-CALIBER BOXERS AND  
09:24:56 25 NETWORK TIME-SLOT AVAILABILITY?

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## DEPOSITION OF GENE DEETZ

09:24:59 1 A. YES, I CITE -- I CITE TO DR. -- EXCUSE  
09:25:00 2 ME TO -- GARY -- TO MR. SHAW --  
09:25:01 3 Q. UH-HUH.  
09:25:02 4 A. -- THAT CERTAINLY COULD BE  
09:25:03 5 ALSO INCLUDED IN DR. KNEUPER'S REPORT. BUT I CITE --  
09:25:07 6 FOR THIS PARTICULAR REFERENCE, I CITE TO GARY SHAW.  
09:25:10 7 Q. OKAY. BUT THE CRITERIA FOR  
09:25:11 8 CHAMPIONSHIP-CALIBER BOXER COMES FROM DR. KNEUPER?  
09:25:15 9 A. THAT'S CORRECT, YES.  
09:25:15 10 Q. DID YOU SPEAK TO ANYONE AT GOLDEN BOY  
09:25:18 11 ABOUT THE CRITERIA FOR CHAMPIONSHIP-CALIBER BOXERS?  
09:25:21 12 A. I DON'T BELIEVE I DID, NO.  
09:25:22 13 Q. AFTER SUBMITTING THIS REPORT, DID  
09:25:26 14 ANYONE FROM GOLDEN BOY CONTACT YOU REGARDING THE  
09:25:29 15 CRITERIA FOR CHAMPIONSHIP-CALIBER BOXERS?  
09:25:31 16 MR. CESTERO: OBJECTION. IT'S VAGUE  
09:25:32 17 AND AMBIGUOUS.  
09:25:32 18 THE DEPONENT: I HAVEN'T SPOKEN TO  
09:25:33 19 ANYBODY AT GOLDEN BOY SINCE I'VE ISSUED MY REPORT.  
09:25:36 20 BY MR. WOLFSON:  
09:25:36 21 Q. SINCE YOU ORIGINALLY ISSUED YOUR  
09:25:38 22 REPORT ON SEPTEMBER 6TH TO YESTERDAY WHEN YOU CREATED  
09:25:42 23 AN UPDATED EXHIBIT 3, DID YOU CHANGE THE CRITERIA YOU  
09:25:46 24 USED TO DETERMINE WHAT IS A CHAMPIONSHIP-CALIBER  
09:25:49 25 BOXER?

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## DEPOSITION OF GENE DEETZ

09:30:34 1 A. -- THEN AS PART OF REVIEWING THE SMITH  
09:30:36 2 REPORT AND THEN PREPARING FOR MY DEPOSITION, I WENT  
09:30:38 3 BACK TO THE WORK.

09:30:40 4 AND WHEN I LOOKED AT -- YESTERDAY  
09:30:43 5 MORNING, WHEN I WAS JUST LOOKING AT EXHIBIT 3 --

09:30:45 6 Q. UH-HUH.

09:30:48 7 A. -- THAT I NOTICED THAT THE COLUMN FOR  
09:30:50 8 "NON-CHAMPIONSHIP-CALIBER" HAD A SIGNIFICANT AMOUNT  
09:30:52 9 OF REVENUE IN IT, WHICH TOLD ME THAT I SHOULD RE-LOOK  
09:30:55 10 AT MR. MAYWEATHER. BECAUSE HE WOULD BE THE MAIN  
09:30:58 11 DRIVER OF THE NON-GOLDEN BOY CONTRACT REVENUE.

09:31:01 12 AND IT JUST LOOKED OUT OF SORTS TO ME.  
09:31:03 13 SO THAT'S WHEN I DECIDED TO GET MY TEAM TOGETHER AND  
09:31:05 14 GO BACK THROUGH THE WHOLE -- THE -- THE WHOLE  
09:31:06 15 PROCESS.

09:31:07 16 Q. OKAY. AND IN THE FIRST INSTANCE,  
09:31:11 17 HOW DID YOU DECIDE WHETHER OR NOT TO EXCLUDE OR  
09:31:18 18 INCLUDE -- STRIKE THAT.

09:31:19 19 IN THE FIRST INSTANCE, HOW DID YOU  
09:31:21 20 DECIDE WHETHER OR NOT TO INCLUDE BOXERS AS  
09:31:24 21 CHAMPIONSHIP-CALIBER BOXERS FOR THE PURPOSES OF YOUR  
09:31:25 22 ANALYSIS?

09:31:26 23 MR. CESTERO: OBJECTION. IT'S VAGUE  
09:31:27 24 AND AMBIGUOUS, AND MISSTATES THE ANALYSIS, AND  
09:31:29 25 MISSTATES --

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## DEPOSITION OF GENE DEETZ

09:31:29 1 THE DEPONENT: WELL, IN --

09:31:29 2 MR. CESTERO: -- THE DOCUMENT.

09:31:30 3 THE DEPONENT: WELL, IN THE FIRST

09:31:31 4 INSTANCE AND IN THE SECOND INSTANCE, I APPLIED

09:31:34 5 DR. KNEUPER'S CRITERIA, WHICH GENERALLY WOULD BE A

09:31:41 6 RANKINGS CRITERIA, A TELEVISION-APPEARANCE CRITERIA,

09:31:44 7 AND A U.S.-BASED PROMOTER OR A MANAGEMENT CRITERIA.

09:31:48 8 AND I APPLIED THOSE IN BOTH INSTANCES.

09:31:50 9 THE -- THE -- PRIMARILY IN THE

09:31:52 10 NON-CONTRACT FIGHTERS -- BUT THERE WERE A COUPLE OF

09:31:55 11 CORRECTIONS IN THE GOLDEN BOY CONTRACT FIGHTERS.

09:31:57 12 THEY WERE JUST -- THEY WERE JUST

09:31:58 13 MISCLASSIFICATIONS THAT I DIDN'T -- I DIDN'T CATCH

09:32:01 14 WHEN I FILED MY ORIGINAL REPORT. BUT THE CRITERIA

09:32:03 15 WERE THE SAME.

09:32:04 16 BY MR. WOLFSON:

09:32:04 17 Q. UH-HUH. NOW, HAD YOU EVER, BEFORE

09:32:06 18 THIS CASE, HEARD THE TERM "CHAMPIONSHIP-CALIBER

09:32:09 19 BOXER"?

09:32:09 20 A. TO THE BEST OF MY RECOLLECTION, I HAVE

09:32:11 21 NOT.

09:32:14 22 Q. OKAY. AND JUST TO BE CLEAR, YOU'RE

09:32:16 23 ACCEPTING DR. KNEUPER'S DEFINITION OF

09:32:19 24 "CHAMPIONSHIP-CALIBER BOXER" FOR THE PURPOSE OF YOUR

09:32:21 25 OWN REPORT?

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## DEPOSITION OF GENE DEETZ

09:32:21 1 MR. CESTERO: OBJECTION; ASKED AND  
09:32:22 2 ANSWERED.  
09:32:23 3 THE DEPONENT: THAT'S CORRECT, YEAH.  
09:32:24 4 BY MR. WOLFSON:  
09:32:24 5 Q. AND YOU HAVE NOT CONDUCTED ANY OF YOUR  
09:32:26 6 OWN ANALYSIS TO DETERMINE IF THERE ARE -- ARE  
09:32:28 7 ALTERNATIVE DEFINITIONS OF "CHAMPIONSHIP-CALIBER  
09:32:31 8 BOXERS" USED IN THE INDUSTRY?  
09:32:33 9 A. I HAVE NOT.  
09:32:37 10 Q. AND YOU'VE NEVER INTERVIEWED ANYONE  
09:32:39 11 AT GOLDEN BOY TO CONFIRM THE REASONABLENESS OF  
09:32:41 12 DR. KNEUPER'S DEFINITION?  
09:32:43 13 (SPEAKING SIMULTANEOUSLY.)  
09:32:43 14 MR. CESTERO: OBJECTION; VAGUE  
09:32:43 15 AND AMBIGUOUS, AND --  
09:32:44 16 THE DEPONENT: NO, I HAVE --  
09:32:45 17 MR. CESTERO: -- MISSTATES THE  
09:32:48 18 WITNESS'S TESTIMONY.  
09:32:48 19 THE DEPONENT: I HAVE NOT.  
09:32:49 20 EXCUSE ME.  
09:32:50 21 MR. CESTERO: IT'S OKAY.  
09:32:51 22 MR. WOLFSON: HERE YOU GO.  
09:32:51 23 / / /  
09:32:51 24 / / /  
09:32:51 25 / / /

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## DEPOSITION OF GENE DEETZ

09:34:34 1 DR. KNEUPER'S REPORT HERE.

09:34:35 2 A. RIGHT.

09:34:36 3 Q. THIS IS EXHIBIT 3:

09:34:37 4 "U.S. MANAGED CHAMPIONSHIP-CALIBER

09:34:39 5 BOXERS."

09:34:41 6 DO YOU SEE THAT?

09:34:41 7 A. I DO.

09:34:41 8 Q. AND THIS IS SORTED ALPHABETICALLY.

09:34:47 9 A. I DO SEE THAT.

09:34:47 10 Q. NOW, DO YOU SEE MR. ANGULO'S NAME IN

09:34:50 11 HERE?

09:34:51 12 A. I DO NOT.

09:34:54 13 Q. OKAY. IF YOU COULD TURN TO EXHIBIT

09:34:56 14 70, WHICH IS EXHIBIT 4 OF DR. KNEUPER'S REPORT.

09:35:04 15 A. I SEE THAT.

09:35:05 16 Q. AND THIS IS EXHIBIT OF:

09:35:05 17 "U.S. PROMOTED CHAMPIONSHIP-CALIBER

09:35:05 18 BOXERS."

09:35:05 19 DO YOU SEE THAT?

09:35:07 20 A. YES.

09:35:07 21 Q. AND, AGAIN, THIS IS SORTED

09:35:08 22 ALPHABETICALLY?

09:35:10 23 A. YES.

09:35:11 24 Q. DO YOU SEE MR. ANGULO'S NAME IN THIS

09:35:14 25 LIST OF CHAMPIONSHIP-CALIBER BOXERS?

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## DEPOSITION OF GENE DEETZ

09:35:16 1 A. I DO NOT.

09:35:16 2 Q. OKAY. BUT YOU INCLUDED HIM IN YOUR

09:35:18 3 ANALYSIS AS A CHAMPIONSHIP-CALIBER BOXER?

09:35:21 4 MR. CESTERO: WELL, OBJECTION. IT

09:35:21 5 MISSTATES THE WITNESS, MISSTATES THE DOCUMENT. IT'S

09:35:23 6 VAGUE AS TO TIME.

09:35:25 7 (SPEAKING SIMULTANEOUSLY.)

09:35:25 8 THE DEPONENT: YEAH, IT'S -- THIS

09:35:28 9 IS --

09:35:28 10 MR. CESTERO: AND IT'S A MIS- --

09:35:29 11 DEPOSITION OFFICER: I CAN NOT HEAR

09:35:29 12 YOU, COUNSEL, WHEN --

09:35:29 13 MR. CESTERO: IT'S A --

09:35:29 14 DEPOSITION OFFICER: -- YOU'RE BOTH

09:35:29 15 SPEAKING AT ONCE.

09:35:29 16 MR. CESTERO: -- MISREPRESENTATION OF

09:35:30 17 THE DOCUMENT.

09:35:33 18 GO AHEAD.

09:35:33 19 THE DEPONENT: THE -- THE POINT

09:35:34 20 THAT -- THAT I WOULD MAKE HERE IS THERE'S THREE

09:35:36 21 DIFFERENT PERIODS, AND THOSE CRITERIA APPLY PERIOD

09:35:39 22 SPECIFIC.

09:35:40 23 BY MR. WOLFSON:

09:35:40 24 Q. UH-HUH.

09:35:41 25 A. AND SO TO THE EXTENT THAT THIS

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## DEPOSITION OF GENE DEETZ

09:37:40 1 RIGHT, IT SAYS -- MINE SAYS "269,852," I THINK.  
09:37:45 2 MR. CESTERO: YEAH. AND JUST IDENTIFY  
09:37:45 3 WHICH COLUMN --  
09:37:48 4 THE DEPONENT: I'M --  
09:37:48 5 MR. CESTERO: -- YOU'RE REFERRING TO,  
09:37:48 6 SO WE --  
09:37:48 7 THE DEPONENT: I'M SORRY.  
09:37:48 8 I'M IN THE "OPERATING INCOME COLUMN,  
09:37:49 9 WHICH IS THE FAR-RIGHT COLUMN ON THE FIFTH LINE DOWN.  
09:37:52 10 BY MR. WOLFSON:  
09:37:52 11 Q. UH-HUH. SO FOR YOUR 2014 DETAIL,  
09:37:54 12 MR. ANGULO CONTRIBUTED ALMOST 270,000 DOLLARS TO THE  
09:38:01 13 OPERATING INCOME ATTRIBUTED TO CHAMPIONSHIP-CALIBER  
09:38:06 14 BOXERS UNDER CONTRACT WITH GOLDEN BOY; RIGHT?  
09:38:08 15 A. THAT'S -- THAT'S WAS THIS APPEARS TO  
09:38:10 16 SAY, YES.  
09:38:15 17 Q. AND DO YOU HAVE ANY IDEA --  
09:38:17 18 MR. CESTERO: WELL, HANG ON. HANG ON  
09:38:17 19 A SECOND.  
09:38:18 20 YEAH. OKAY.  
09:38:18 21 BY MR. WOLFSON:  
09:38:18 22 Q. OKAY. DO YOU HAVE IDEA WHY MR. ANGULO  
09:38:20 23 WAS NOT INCLUDED AS A CHAMPIONSHIP-CALIBER BOXER IN  
09:38:23 24 DR. KNEUPER'S REPORT?  
09:38:24 25 A. OTHER THAN THAT -- THAT IT COULD BE AT

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## DEPOSITION OF GENE DEETZ

09:38:26 1 A DIFFERENT TIME PERIOD, I WOULDN'T HAVE ANY -- I  
09:38:29 2 WOULDN'T HAVE ANY KNOWLEDGE OF WHY OR WHY IT WAS  
09:38:31 3 NOT.

09:38:31 4 Q. OKAY. WHY DON'T WE GO DOWN A COUPLE  
09:38:34 5 ROWS TO A BOXER NAMED DEVON ALEXANDER.

09:38:44 6 MR. CESTERO: A COUPLE -- DOWN A  
09:38:44 7 COUPLE ROWS ON 74?

09:38:45 8 MR. WOLFSON: UH-HUH. YES, ON THE  
09:38:45 9 2014 DETAIL, EXHIBIT 3.

09:38:47 10 BY MR. WOLFSON:

09:38:47 11 Q. DO YOU SEE THAT?

09:38:56 12 A. GIVE ME A SECOND. THIS IS REALLY A  
09:39:00 13 TEST.

09:39:00 14 Q. YEAH. IT'S VERY SMALL TEXT.

09:39:02 15 I APOLOGIZE.

09:39:03 16 A. NO.

09:39:08 17 ALL RIGHT I HAVE HIM.

09:39:08 18 AND LET ME COUNT THE ROWS OUT FOR THE  
09:39:09 19 RECORD: ONE, TWO, THREE, FOUR, FIVE, SIX, SEVEN,  
09:39:12 20 EIGHT, NINE, TEN, ELEVEN, TWELVE -- THIRTEEN ROWS  
09:39:12 21 DOWN?

09:39:13 22 Q. ABOUT THAT.

09:39:14 23 A. OKAY. I SEE THAT.

09:39:15 24 Q. DO YOU SEE HIM?

09:39:16 25 A. UH-HUH.

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## DEPOSITION OF GENE DEETZ

09:40:01 1 MR. ALEXANDER WAS A CHAMPIONSHIP-CALIBER BOXER?

09:40:03 2 A. AGAIN, I DON'T -- I DON'T KNOW IF --

09:40:05 3 IF HE DID OR DIDN'T OR AT WHAT PARTICULAR TIME HE

09:40:07 4 WOULD HAVE CONSIDERED HIM.

09:40:08 5 Q. ARE YOU CONTENDING THAT MR. ALEXANDER

09:40:10 6 IS A CHAMPIONSHIP-CALIBER BOXER?

09:40:12 7 MR. CESTERO: PRESENTLY AS WE SIT HERE

09:40:13 8 TODAY?

09:40:13 9 MR. WOLFSON: IN THIS ANALYSIS.

09:40:15 10 MR. CESTERO: WELL, IN WHICH ANALYSIS?

09:40:15 11 MR. WOLFSON: THIS ANALYSIS, RIGHT IN

09:40:17 12 FRONT OF YOU.

09:40:18 13 THE DEPONENT: YEAH. AND --

09:40:18 14 MR. CESTERO: IN 2014?

09:40:19 15 MR. WOLFSON: IN 2014.

09:40:19 16 THE DEPONENT: IN 2014, YES.

09:40:20 17 BY MR. WOLFSON:

09:40:20 18 Q. HOW ARE YOU QUALIFIED TO PROVIDE THAT

09:40:24 19 SORT OF TESTIMONY, SIR?

09:40:26 20 A. BECAUSE I'M APPLYING DR. KNEUPER'S

09:40:28 21 CRITERIA.

09:40:29 22 Q. BUT IF DR. KNEUPER DID NOT ACTUALLY

09:40:32 23 PROVIDE THAT ANALYSIS, ARE YOU THEN USING HIS

09:40:36 24 ECONOMIC ANALYSIS TO DETERMINE WHO IS AND WHO IS NOT

09:40:39 25 A CHAMPIONSHIP-CALIBER BOXER?

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## DEPOSITION OF GENE DEETZ

09:40:41 1 MR. CESTERO: OBJECTION. IT MISSTATES  
09:40:41 2 THE WITNESS'S TESTIMONY, AND IT MISSTATES THE  
09:40:43 3 DOCUMENTS, AND IT'S --  
09:40:44 4 THE DEPONENT: YEAH. FOR --  
09:40:45 5 MR. CESTERO: -- ARGUMENTATIVE.  
09:40:45 6 THE DEPONENT: FOR --  
09:40:45 7 MR. CESTERO: GO AHEAD.  
09:40:45 8 THE DEPONENT: FOR ALL THREE  
09:40:46 9 PERIODS -- FOR '14, '15, AND '16 -- I APPLIED THE  
09:40:49 10 CHAMPIONSHIP-CALIBER CRITERIA AS -- AS STATED IN  
09:40:52 11 DR. KNEUPER'S REPORT IN DETERMINING THE  
09:40:55 12 CLASSIFICATION BETWEEN CHAMPIONSHIP-CALIBER AND  
09:40:56 13 NON-CHAMPIONSHIP-CALIBER.  
09:40:59 14 SO I'M APPLYING HIS CRITERIA.  
09:41:01 15 BY MR. WOLFSON:  
09:41:01 16 Q. DID DR. KNEUPER PROVIDE AN OPINION ON  
09:41:04 17 WHO WAS AND WAS NOT A CHAMPIONSHIP-CALIBER BOXER IN  
09:41:06 18 2014?  
09:41:07 19 A. I -- I DON'T BELIEVE HE DID.  
09:41:08 20 Q. OKAY. AND HOW ARE YOU QUALIFIED TO  
09:41:12 21 PROVIDE AN -- AN OPINION WHO WAS AND WAS NOT A  
09:41:15 22 CHAMPIONSHIP-CALIBER BOXER IN 2014?  
09:41:17 23 MR. CESTERO: OBJECTION. IT MISSTATES  
09:41:18 24 THE WITNESS'S TESTIMONY.  
09:41:21 25 THE DEPONENT: YEAH. BE- -- BECAUSE I

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## DEPOSITION OF GENE DEETZ

09:41:22 1 AM USING HIS CRITERIA AND I'M APPLYING IT  
09:41:26 2 CONSISTENTLY IN '16, '15, AND '14.

09:41:29 3 BY MR. HEINLEIN:

09:41:29 4 Q. YOU UNDERSTAND THAT DR.

09:41:29 5 KNEUPER ACTUALLY --

09:41:29 6 MR. CESTERO: HANG ON. HANG ON A  
09:41:29 7 SECOND.

09:41:29 8 MR. WOLFSON: GO AHEAD.

09:41:29 9 MR. CESTERO: DON'T INTERRUPT THE  
09:41:30 10 WITNESSES. LET HIM FINISH HIS ANSWER.

09:41:33 11 BY MR. WOLFSON:

09:41:33 12 Q. GO AHEAD.

09:41:33 13 A. WELL, I THINK I WAS FINISHED.

09:41:35 14 I'M JUST -- I JUST -- I APPLIED HIS  
09:41:36 15 CRITERIA CONSISTENTLY IN '16, '15, AND '14, AND  
09:41:38 16 THAT'S THE BASIS FOR THE OPINION IN EACH OF THE  
09:41:40 17 YEARS.

09:41:40 18 Q. NOW, YOU UNDERSTAND THAT DR. KNEUPER  
09:41:42 19 ACTUALLY SPOKE WITH GOLDEN BOY EMPLOYEES ABOUT WHAT  
09:41:45 20 DOES AND DOES NOT CONSTITUTE A CHAMPIONSHIP-CALIBER  
09:41:48 21 BOXER?

09:41:49 22 A. I'D HAVE TO REFRESH MY RECOLLECTION.  
09:41:51 23 I -- I KNOW HE CITED CONVERSATIONS WITH GOLDEN BOY  
09:41:54 24 ABOUT -- ABOUT THAT.

09:41:55 25 Q. YOU UNDERSTAND THAT DR. KNEUPER IS A

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## DEPOSITION OF GENE DEETZ

09:41:58 1 PH.D IN ECONOMICS?

09:41:59 2 A. YES.

09:41:59 3 Q. YOU UNDERSTAND THAT DR. KNEUPER

09:42:01 4 CONDUCTED A -- A REVIEW OF DOCUMENTS THAT, IN HIS

09:42:04 5 ECONOMIC ESTIMATION, ALLOWED HIM TO OPINE ON WHAT IS

09:42:08 6 AND IS NOT A CHAMPIONSHIP-CALIBER BOXER?

09:42:10 7 MR. CESTERO: OBJECTION; VAGUE AS TO

09:42:11 8 TIME.

09:42:13 9 THE DEPONENT: I DO UNDERSTAND THAT,

09:42:13 10 AND I DO UNDERSTAND THAT -- THAT THAT DETERMINATION

09:42:16 11 WAS DRIVEN BY THE CRITERIA THAT I APPLIED

09:42:19 12 CONSISTENTLY --

09:42:19 13 BY MR. WOLFSON:

09:42:19 14 Q. UH-HUH.

09:42:21 15 A. -- ACROSS THREE DIFFERENT TIME

09:42:23 16 PERIODS.

09:42:23 17 Q. AND WHY WAS THERE A CHANGE WITH

09:42:25 18 RESPECT TO MR. ALEXANDER?

09:42:26 19 A. WHEN THE ORIGINAL DOCUMENT WAS DONE --

09:42:31 20 THEN -- WHEN THE ORIGINAL DOCUMENT WAS DONE, I HAD --

09:42:34 21 I HAD NOT -- I HAD MISSED SEVERAL OF THESE, IN TERMS

09:42:37 22 OF LOOKING AT THOSE THREE CRITERIA. AND WHEN I WENT

09:42:42 23 BACK AND RE-REVIEWED THAT IN DETAIL, THAT'S WHAT

09:42:46 24 DROVE THE CHANGE.

09:42:48 25 THE CRIT- -- CRITERIA WAS THE SAME,

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## DEPOSITION OF GENE DEETZ

09:43:59 1 BY MR. WOLFSON:

09:43:59 2 Q. SIR, YOU'RE NOT OFFERING AN OPINION

09:44:01 3 WHAT CONSTITUTES A CHAMPIONSHIP-CALIBER BOXER, ARE

09:44:04 4 YOU?

09:44:04 5 MR. CESTERO: OBJECTION; ASKED AND

09:44:05 6 ANSWERED.

09:44:06 7 THE DEPONENT: NO, I'M APPLYING

09:44:08 8 DR. KNEUPER'S CRITERIA --

09:44:10 9 BY MR. WOLFSON:

09:44:10 10 Q. OKAY.

09:44:10 11 A. -- OF WHAT CONSTITUTES A

09:44:12 12 CHAMPIONSHIP-CALIBER BOXER.

09:44:12 13 Q. AND IN THIS INSTANCE, DR. KNEUPER HAS  
09:44:15 14 NOT CONCLUDED THAT DE- -- THAT DEVON ALEXANDER IS A  
09:44:18 15 CHAMPIONSHIP-CALIBER BOXER, HAS --

09:44:19 16 (SPEAKING SIMULTANEOUSLY.)

09:44:19 17 MR. CESTERO: OBJECTION.

09:44:20 18 BY MR. WOLFSON:

09:44:20 19 Q. -- HAS HE?

09:44:21 20 MR. CESTERO: OBJECTION; VAGUE AS TO  
09:44:22 21 TIME.

09:44:23 22 THE DEPONENT: I DON'T KNOW IF HE'S --

09:44:24 23 MR. CESTERO: MISSTATES THE WITNESS'S  
09:44:26 24 TESTIMONY.

09:44:26 25 THE DEPONENT: YEAH.

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## DEPOSITION OF GENE DEETZ

09:45:18 1 Q. AND DO YOU HAVE ANY IDEA WHY  
09:45:21 2 MR. ALEXANDER IS NOT INCLUDED IN THE LIST OF  
09:45:24 3 DR. KNEUPER'S CHAMPIONSHIP-CALIBER BOXERS?

09:45:29 4 MR. CESTERO: OBJECTION; ASKED AND  
09:45:30 5 ANSWERED, MISSTATES THE WITNESS'S TESTIMONY.

09:45:33 6 THE DEPONENT: I -- I DON'T KNOW.

09:45:33 7 BY MR. WOLFSON:

09:45:33 8 Q. YOU HAVE NO IDEA; RIGHT?

09:45:35 9 A. RIGHT.

09:45:35 10 Q. AND YOU HAVE NO ABILITY TO OPINE ON  
09:45:37 11 WHETHER IT WAS APPROPRIATE OR INAPPROPRIATE FOR  
09:45:40 12 DR. KNEUPER TO EXCLUDE DEVON ALEXANDER FROM HIS LIST  
09:45:45 13 OF CHAMPIONSHIP-CALIBER BOXERS; RIGHT?

09:45:47 14 A. I --

09:45:47 15 MR. CESTERO: OBJECTION. OBJECTION.  
09:45:48 16 IT'S ARGUMENTATIVE, MISSTATES THE WITNESS'S  
09:45:51 17 TESTIMONY.

09:45:51 18 THE DEPONENT: YEAH. I DON'T -- I  
09:45:52 19 DON'T KNOW FOR -- AND WHATEVER PARTICULAR TIME HE'S  
09:45:54 20 MAKING THAT DETERMINATION, WHAT -- WHO WOULD BE OR  
09:45:58 21 WOULD NOT BE CHAMPIONSHIP-CALIBER.

09:46:00 22 AND AGAIN, I'VE SAID -- I KNOW I'M  
09:46:02 23 REPEATING MYSELF --

09:46:03 24 BY MR. WOLFSON:

09:46:03 25 Q. UH-HUH.

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## DEPOSITION OF GENE DEETZ

09:47:11 1 ARGUMENTATIVE, AND IT'S VAGUE AND AMBIGUOUS.

09:47:13 2 THE DEPONENT: WELL, IF HE -- IF HE --  
09:47:15 3 IF HE FOUGHT DURING THAT TIME PERIOD AND WAS IN  
09:47:18 4 GOLDEN BOY'S P & L, THEN HE'S -- HE'S -- HE'S CAPTURED  
09:47:21 5 IN MY ANALYSIS.

09:47:22 6 BY MR. WOLFSON:

09:47:22 7 Q. OKAY. COULD YOU LOOK AT PAGE 66 OF  
09:47:24 8 DR. KNEUPER'S REPORT.

09:47:29 9 A. I'M THERE.

09:47:30 10 Q. DO YOU SEE MR. BIKA'S NAME IN THE LIST  
09:47:33 11 OF U.S.-MANAGED CHAMPIONSHIP-CALIBER BOXERS?

09:47:35 12 A. AGAIN, I -- I DON'T SEE HIM. I DON'T  
09:47:40 13 SEE HIM ON PAGE 66 FOR EXHIBIT 3, AND I DON'T SEE HIM  
09:47:49 14 ON PAGE 70 FOR EXHIBIT 4.

09:47:51 15 Q. OKAY. SO TO YOUR UNDERSTANDING, THEN,  
09:47:52 16 DR. KNEUPER HAS NOT CONCLUDED THAT MR. BIKA IS A  
09:47:58 17 CHAMPIONSHIP-CALIBER BOXER?

09:47:59 18 MR. CESTERO: VAGUE AS TO TIME.

09:48:00 19 THE DEPONENT: WELL, YEAH. AGAIN, FOR  
09:48:01 20 WHATEVER PARTICULAR POINT IN TIME HE'S MAKING THAT  
09:48:03 21 DETERMINATION, IT DOESN'T APPEAR TO BE ON EITHER  
09:48:06 22 EXHIBIT -- EXHIBIT 3 OR EXHIBIT 4 TO DR. KNEUPER'S  
09:48:10 23 REPORT.

09:48:10 24 BY MR. WOLFSON:

09:48:10 25 Q. BUT YOU, SIR, DO CONCLUDE THAT



## DEPOSITION OF GENE DEETZ

09:59:25 1 "UNDER CONTRACT - CHAMPIONSHIP-CALIBER BOXERS" IS  
09:59:26 2 5,324,589 DOLLARS; RIGHT?  
09:59:31 3 A. THAT'S CORRECT.  
09:59:31 4 Q. SO FROM 2014 TO 2015, THIS ROW HAS  
09:59:36 5 GONE UP IN TERMS OF DOLLARS; RIGHT?  
09:59:39 6 A. THAT PARTICULAR CATEGORY HAS, YES.  
09:59:41 7 Q. AND THAT'S GONE UP BY APPROXIMATELY,  
09:59:44 8 WELL, OVER 600,000 DOLLARS?  
09:59:46 9 A. THAT'S FAIR, YES.  
09:59:50 10 Q. NOW, THE 2016 METRICS, QUICK  
09:59:54 11 CLARIFICATION QUESTION.  
09:59:55 12 THESE NUMBERS ARE HALF-YEAR METRICS;  
09:59:58 13 RIGHT?  
09:59:58 14 A. THEY'RE -- THEY'RE THROUGH JUNE  
09:59:59 15 30TH.  
10:00:00 16 Q. OKAY. SO ALL OF THE NUMBERS HERE ARE  
10:00:01 17 FROM JANUARY 1ST, 2016, THROUGH JUNE 30TH, 2016?  
10:00:04 18 A. THAT'S CORRECT.  
10:00:05 19 Q. AND IN YOUR REPORT, YOU ANNUALIZE 2016  
10:00:09 20 BY MULTIPLYING THESE NUMBERS BY TWO; RIGHT?  
10:00:12 21 A. YES, I THINK THAT'S FAIR.  
10:00:13 22 Q. SO -- SO ESSENTIALLY DOUBLING THEM?  
10:00:17 23 A. THAT'S CORRECT.  
10:00:17 24 Q. OKAY. SO FOR 2016, YOU GO DOWN TO THE  
10:00:19 25 "UNDER CONTRACT - CHAMPIONSHIP-CALIBER" ROW, YOU HAVE

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## DEPOSITION OF GENE DEETZ

10:03:00 1 ME .

10:03:02 2 I WAS JUST MAKING THAT POINT.

10:03:03 3 Q. OKAY. ARE YOU AWARE OF OTHER FIGHTS  
10:03:04 4 THAT GOLDEN BOY IS -- IS GOING TO PROMOTE THROUGH THE  
10:03:06 5 END OF THE YEAR?

10:03:08 6 A. I'M NOT SPECIFICALLY AWARE, NO.

10:03:10 7 Q. HAVE YOU SEEN ANY UN -- OTHER UPDATED  
10:03:12 8 P & L'S FOR THE COMPANY, BESIDES FOR THE ALVAREZ-SMITH  
10:03:15 9 FIGHT?

10:03:16 10 A. I HAVE NOT.

10:03:19 11 Q. DO YOU PLAN TO INCORPORATE THE  
10:03:20 12 COMPANY-WIDE UPDATED P & L INTO YOUR ANALYSIS?

10:03:24 13 A. AS I SIT HERE TODAY, I DO NOT PLAN TO  
10:03:26 14 DO THAT.

10:03:27 15 Q. AND AS OF TODAY, YOU'VE NOT SEEN A  
10:03:30 16 COMP- -- UPDATED COMPANY-WIDE P & L?

10:03:31 17 A. I HAVE NOT.

10:03:39 18 Q. SO THE -- FROM 2015 TO 2016,  
10:03:44 19 YEAR-OVER-YEAR, UNDER YOUR ANALYSIS, THERE IS ANOTHER  
10:03:49 20 INCREASE IN REVENUES GENERATED -- OR I'M SORRY --  
10:03:52 21 INCOME FROM BOXING OPERATIONS GENERATED FROM  
10:03:56 22 CHAMPIONSHIP-CALIBER BOXERS UNDER CONTRACT TO GOLDEN  
10:03:57 23 BOY?

10:03:58 24 A. THAT'S CORRECT.

10:04:02 25 Q. NOW, IS IT YOUR UNDERSTANDING THAT THE

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## DEPOSITION OF GENE DEETZ

10:04:04 1 LIABILITY THEORY IN THIS CASE IS THAT GOLDEN BOY HAS  
10:04:07 2 BEEN PRECLUDED FROM PROMOTING BOXERS THAT ARE NOT  
10:04:11 3 UNDER CONTRACT WITH GOLDEN BOY?  
10:04:14 4 MR. CESTERO: OBJECTION. IT'S VAGUE  
10:04:16 5 AND AMBIGUOUS.  
10:04:17 6 THE DEPONENT: MY UNDERSTANDING IS  
10:04:18 7 THAT, AS A PART OF THE TYING OF THE MANAGEMENT --  
10:04:22 8 MANAGEMENT AND PROMOTION --  
10:04:24 9 BY MR. WOLFSON:  
10:04:24 10 Q. UH-HUH.  
10:04:25 11 A. -- AND THE LOCKING UP OF THE T.V.  
10:04:28 12 RIGHTS, THEY -- THEY HAVE NOT BEEN ABLE TO ATTRACT  
10:04:30 13 AND DEVELOP NON-CHAMPIONSHIP-CALIBER BOXERS INTO  
10:04:38 14 CHAMPIONSHIP-CALIBER BOXERS.  
10:04:38 15 Q. AND WHY IS THAT YOUR UNDERSTANDING?  
10:04:40 16 A. BECAUSE I BELIEVE THAT THAT IS  
10:04:41 17 MENTIONED IN DR. KNEUPER'S REPORT.  
10:04:47 18 Q. THAT THEY HAVE NOT BEEN ABLE TO  
10:04:48 19 DEVELOP NON-CHAMPIONSHIP-CALIBER BOXERS INTO  
10:04:52 20 CHAMPIONSHIP-CALIBER BOXERS?  
10:04:53 21 A. I BELIEVE SO, YES.  
10:04:54 22 Q. WHICH WOULD CONTRIBUTE TO THEIR BOTTOM  
10:04:56 23 LINE BY CONTRIBUTING TO THEIR INCOME FROM BOXING  
10:05:00 24 OPERATIONS TO UNDER-CONTRACT CHAMPIONSHIP-CALIBER  
10:05:05 25 BOXERS?

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## DEPOSITION OF GENE DEETZ

10:05:05 1 MR. CESTERO: I'M SORRY.

10:05:06 2 CAN YOU READ THAT QUESTION BACK,

10:05:06 3 PLEASE.

10:05:20 4 THE DEPONENT: YEAH. THANK YOU.

10:04:54 5 (THE RECORD WAS READ AS FOLLOWS:

10:04:54 6 Q. WHICH WOULD CONTRIBUTE TO

10:04:56 7 THEIR BOTTOM LINE BY CONTRIBUTING

10:04:57 8 TO THEIR INCOME FROM BOXING

10:05:01 9 OPERATIONS TO UNDER CONTRACT

10:05:05 10 CHAMPIONSHIP-CALIBER BOXERS?)

10:05:16 11 MR. WOLFSON: THAT'S -- I'LL --

10:05:18 12 I'LL -- I'LL REPHRASE THE QUESTION.

10:05:21 13 BY MR. WOLFSON:

10:05:21 14 Q. IF -- WITH YOUR UNDERSTANDING, IF

10:05:25 15 GOLDEN BOY HAD BEEN ABLE TO DEVELOP

10:05:29 16 NON-CHAMPIONSHIP-CALIBER BOXERS INTO

10:05:33 17 CHAMPIONSHIP-CALIBER BOXERS, HOW WOULD THAT HAVE

10:05:36 18 CONTRIBUTED TO THE COMPANY'S BOTTOM LINE?

10:05:38 19 A. IT WOULD -- IT WOULD INCREASE THE --

10:05:40 20 THE BOTTOM LINE. BECAUSE THE CHAMPIONSHIP-CALIBER

10:05:42 21 BOXERS ARE THE -- THE KIND OF ECONOMIC OUTCOME OF

10:05:49 22 THE -- OF THE BUSINESS PLAN.

10:05:50 23 Q. UH-HUH.

10:05:51 24 A. SO TO THE EXTENT THAT -- THAT YOU HAVE

10:05:52 25 A YOUNG FIGHTER THAT GETS DEVELOPED AND PROMOTED AND

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## DEPOSITION OF GENE DEETZ

10:05:57 1 BECOMES A CHAMPIONSHIP-CALIBER BOXER, THEN THEY'RE --  
10:05:59 2 THEY'RE IN A POSITION TO MAKE -- MAKE MONEY FOR THE  
10:06:03 3 PROMOTION -- FOR THE PROMOTER.

10:06:04 4 Q. SO IN -- IN YOUR EXHIBIT 3, THAT WOULD  
10:06:07 5 CONTRIBUTE TO THE INCOME FROM BOXING OPERATIONS IN  
10:06:10 6 THE ROW FOR "UNDER CONTRACT - CHAMPIONSHIP-CALIBER";  
10:06:13 7 RIGHT?

10:06:22 8 A. IT WOULD CONTRIBUTE -- IT WOULD  
10:06:23 9 CONTRIBUTE TO -- IT WOULD CONTRIBUTE TO ALL -- IT  
10:06:23 10 WOULD BE A PART OF AND CONTRIBUTE TO ALL OF THE  
10:06:25 11 ROWS.

10:06:28 12 Q. WHY IS THAT?

10:06:29 13 A. WELL, BECAUSE THEY ARE PROMOTING --  
10:06:31 14 THESE FIGHTS ARE ALL FIGHTS THAT GOLDEN BOY PROMOTED  
10:06:34 15 OR SOMEHOW HAS IN THEIR P & L. AND SO THAT WOULD --  
10:06:38 16 THAT WOULD BE A PART OF -- THEIR OVERALL BUSINESS IS  
10:06:43 17 TO -- TO DEVELOP AND PROMOTE FIGHTERS.

10:06:46 18 Q. AND THOSE WOULD BE FIGHTERS THAT ARE  
10:06:48 19 UNDER CONTRACT TO THEM?

10:06:50 20 MR. CESTERO: OBJECTION; MISSTATES THE  
10:06:51 21 WITNESS'S TESTIMONY, AND --

10:06:52 22 THE DEPONENT: YEAH. I DON'T --

10:06:52 23 MR. CESTERO: -- IT MISSTATES THE  
10:06:54 24 DOCUMENT.

10:06:55 25 GO AHEAD.

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## DEPOSITION OF GENE DEETZ

10:08:39 1 MR. CESTERO: OBJECTION. THAT'S VAGUE  
10:08:41 2 AND AMBIGUOUS.

10:08:41 3 BY MR. WOLFSON:

10:08:41 4 Q. -- IN 2015 AND 2016?

10:08:43 5 MR. CESTERO: IT'S STILL VAGUE AND  
10:08:44 6 AMBIGUOUS.

10:08:48 7 THE DEPONENT: I DON'T KNOW THAT I  
10:08:49 8 HAVE A SPECIFIC UNDERSTANDING AS TO ANY PARTICULAR  
10:08:50 9 FIGHT CARD, AND WHO THE FIGHTERS WOULD BE ON THAT.

10:08:53 10 BUT AS A DERIVATIVE OF DOCTORS  
10:08:57 11 KNEUPER'S -- DR. KNEUPER'S OPINION ON THE  
10:08:59 12 ANTICOMPETITIVE BEHAVIOR, THEY'RE UNABLE TO -- TO  
10:09:01 13 ATTRACT CHAMPIONSHIP-CALIBER FIGHTERS, EITHER UNDER  
10:09:04 14 CONTRACT OR OTHERWISE.

10:09:07 15 AND ALSO -- AND ALSO HAVE BEEN IMPEDED  
10:09:11 16 FROM THEIR BUSINESS PLAN, WHICH IS TO DEVELOP  
10:09:13 17 FIGHTERS FROM NON-CHAMPIONSHIP CALIBER TO  
10:09:16 18 CHAMPIONSHIP-CALIBER.

10:09:21 19 BY MR. WOLFSON:

10:09:21 20 Q. IS IT YOUR OPINION IN THIS CASE THAT  
10:09:22 21 GOLDEN BOY HAS BEEN DAMAGED FROM ITS INABILITY TO  
10:09:28 22 OBTAIN INCOME FROM CHAMPIONSHIP-CALIBER BOXERS THAT  
10:09:30 23 ARE NOT UNDER CONTRACT FROM -- WITH GOLDEN BOY?

10:09:33 24 MR. CESTERO: OBJECTION. IT'S VAGUE  
10:09:34 25 AND AMBIGUOUS.

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## DEPOSITION OF GENE DEETZ

10:09:35 1 IF YOU UNDERSTAND IT, YOU CAN ANSWER

10:09:36 2 IT.

10:09:36 3 THE DEPONENT: YEAH. IT IS.

10:09:37 4 BY MR. WOLFSON:

10:09:37 5 Q. OKAY. AND WHAT IS YOUR BASIS FOR  
10:09:43 6 CLAIMING THOSE ARE DAMAGES TO GOLDEN BOY UNDER WHAT  
10:09:45 7 YOU UNDERSTAND IS THEIR LIABILITY THEORY?

10:09:47 8 MR. CESTERO: I'M SORRY. CAN YOU READ  
10:09:48 9 THAT QUESTION BACK, PLEASE.

10:09:37 10 (THE RECORD WAS READ AS FOLLOWS:

10:09:37 11 Q. OKAY. AND WHAT IS YOUR  
10:09:41 12 BASIS FOR CLAIMING THOSE ARE  
10:09:44 13 DAMAGES TO GOLDEN BOY UNDER WHAT  
10:09:45 14 YOU UNDERSTAND IS THEIR LIABILITY  
10:09:47 15 THEORY?)

10:09:58 16 MR. CESTERO: OBJECTION. IT'S VAGUE  
10:10:00 17 AND AMBIGUOUS.

10:10:01 18 IF YOU UNDERSTAND IT, YOU CAN ANSWER  
10:10:02 19 IT.

10:10:02 20 THE DEPONENT: WELL, MY -- MY  
10:10:03 21 CALCULATION AND MY BASIS FOR DAMAGES INCLUDES ALL  
10:10:05 22 CHAMPIONSHIP-CALIBER, REGARDLESS OF CONTRACT OR NO  
10:10:08 23 CONTRACT, AS WELL AS THE COST OF THE LOSSES ON THE  
10:10:12 24 NON-CHAMPIONSHIP-CALIBER BOXERS.

10:10:19 25 AND THE -- AND THE BASIS FOR THAT IS

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## DEPOSITION OF GENE DEETZ

10:13:15 1 MR. CESTERO: WELL, OBJECTION. IT'S  
10:13:16 2 VAGUE AND AMBIGUOUS.

10:13:19 3 THE DEPONENT: YEAH. I DON'T -- I  
10:13:20 4 DON'T RECALL THE SPECIFIC DOCUMENTATION UNDERNEATH  
10:13:22 5 THE -- ANY PARTICULAR FIGHT THAT WAS A  
10:13:25 6 NON-GOLDEN-BOY-CONTRACT FIGHTER.

10:13:28 7 BY MR. WOLFSON:

10:13:28 8 Q. UH-HUH.

10:13:29 9 A. BUT I -- BUT WHAT DROVE THE ANALYSIS  
10:13:31 10 IS THE -- THE FACT THAT THAT NON-CONTRACT FIGHTER --  
10:13:35 11 NON-GOLDEN-BOY-CONTRACT FIGHTER SHOWS UP IN THE  
10:13:38 12 GOLDEN BOY P & L.

10:13:41 13 Q. SO, FOR EXAMPLE, IN YOUR 2014 DETAIL,  
10:13:47 14 YOU HAVE FLOYD MAYWEATHER CONTRIBUTING 2.2 MILLION TO  
10:13:55 15 GOLDEN BOY'S OPERATING INCOME FOR THE YEAR?

10:13:58 16 MR. CESTERO: OH, IS THAT REALLY WHAT  
10:13:58 17 THAT SAYS?

10:14:00 18 THE DEPONENT: IT IS.

10:14:01 19 MR. CESTERO: DOES IT SAY "2.2  
10:14:02 20 MILLION"?

10:14:03 21 THE DEPONENT: IT'S THE -- IT'S THE  
10:14:03 22 SECOND LINE, AND IT'S 2.216, I BELIEVE. AND --

10:14:05 23 MR. CESTERO: OKAY.

10:14:06 24 THE DEPONENT: AND SO THE WAY -- WELL,  
10:14:07 25 I'M SURE YOU KNOW THIS --

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## DEPOSITION OF GENE DEETZ

10:14:10 1 BY MR. WOLFSON:

10:14:10 2 Q. YEAH.

10:14:10 3 A. -- BUT THE WAY TO THINK ABOUT THAT

10:14:11 4 IS -- YEAH, THAT IS INCLUDED IN THE 5,518,765 ON PAGE

10:14:16 5 1.

10:14:16 6 Q. OKAY. SO YOU TAKE AWAY FLOYD

10:14:18 7 MAYWEATHER FROM THAT ROW, AND THE 5.5 NUMBER GOES

10:14:23 8 DOWN TO -- GOES DOWN BY 2.2 MILLION?

10:14:26 9 A. RIGHT. IT BECOMES 3.3 MILLION.

10:14:29 10 Q. OKAY.

10:14:30 11 A. THAT'S CORRECT.

10:14:34 12 Q. AND A -- MARCOS MAIDANA,

10:14:37 13 HE CONTRIBUTED 646,525 DOLLARS TO GOLDEN BOY'S 2014

10:14:45 14 OPERATING INCOME?

10:14:46 15 A. THAT'S CORRECT.

10:14:51 16 Q. AND SO YOU WOULD -- IF YOU TOOK OUT

10:14:53 17 MR. MAIDANA'S CONTRIBUTION FROM 2014, YOU WOULD

10:14:57 18 SUBTRACT 646,000 FROM THE 5.5 MILLION; RIGHT?

10:15:01 19 A. THAT'S RIGHT. AND YOU COULD LITERALLY

10:15:03 20 SORT THIS WORKBOOK TO SEE LITERALLY EACH -- EACH AND

10:15:06 21 EVERY FIGHTER --

10:15:07 22 Q. UH-HUH.

10:15:07 23 A. -- THAT MADE THAT 5.5 MILLION.

10:15:09 24 Q. NOW, IS IT YOUR OPINION THAT GOLDEN

10:15:17 25 BOY HAS BEEN PRECLUDED FROM DERIVING INCOME FROM THE

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## DEPOSITION OF GENE DEETZ

10:16:26 1 A. THAT'S CORRECT.

10:16:27 2 Q. AND THEN IN 2015, MR. MAYWEATHER HAD

10:16:31 3 HIS RETIREMENT FIGHT AGAINST MANNY PACQUIAO; RIGHT?

10:16:36 4 MR. CESTERO: OBJECTION. THAT ASSUMES

10:16:37 5 FACTS, AND MISSTATES --

10:16:37 6 THE DEPONENT: THE ONLY REASON --

10:16:38 7 MR. CESTERO: -- THE EVIDENCE.

10:16:38 8 THE DEPONENT: THE ONLY REASON I'M

10:16:39 9 GOING TO SAY HE FOUGHT HIM -- I KNOW HE FOUGHT HIM IN

10:16:42 10 '15. I DON'T KNOWN IF IT WAS HIS RETIREMENT OR NOT,

10:16:45 11 BUT I KNOW HE FOUGHT MR. PACQUIAO IN '15.

10:16:49 12 BY MR. WOLFSON:

10:16:49 13 Q. OKAY. IS -- HAVE YOU SEEN ANYTHING IN

10:16:50 14 DR. KNEUPER'S REPORT SUGGESTING THAT FLOYD MAYWEATHER

10:16:54 15 CHOSE A DIFFERENT PROMOTER FOR THAT FIGHT DUE TO

10:16:59 16 ANTICOMPETITIVE ACTIVITIES HERE?

10:17:01 17 A. I DON'T RECALL SPECIFICALLY WHETHER HE

10:17:01 18 MENTIONS THAT OR NOT. I DON'T HAVE A SPECIFIC

10:17:04 19 RECOLLECTION THAT HE DOES.

10:17:06 20 Q. ARE YOU AWARE THAT THE FLOYD

10:17:08 21 MAYWEATHER AND MANNY PACQUIAO FIGHT IN 2015 WAS

10:17:13 22 PROMOTED BY A COMPANY CALLED TOP RANK?

10:17:16 23 MR. CESTERO: OBJECTION. THAT

10:17:16 24 MISSTATES --

10:17:16 25 THE DEPONENT: I -- I --

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## DEPOSITION OF GENE DEETZ

10:17:17 1 MR. CESTERO: ASSUMES FACTS, AND  
10:17:18 2 MISSTATES THE RECORD.  
10:17:20 3 THE DEPONENT: IT -- IT -- I'M AWARE  
10:17:21 4 THAT THAT FIGHT IS NOT IN THE GOLDEN BOY P & L FOR  
10:17:24 5 2015. SO I WOULD ASSUME IT WAS PROMOTED BY SOMEBODY,  
10:17:26 6 ELSE BECAUSE IT'S NOT IN GOLDEN BOY'S P & L.  
10:17:29 7 BY MR. WOLFSON:  
10:17:29 8 Q. OKAY. AND IF TOP RANK PROMOTED OR  
10:17:30 9 CO-PROMOTED THAT FIGHT, YOU HAVE NO OPINION WHETHER  
10:17:33 10 THAT WAS ANTICOMPETITIVE OR NOT, DO YOU?  
10:17:40 11 MR. CESTERO: OBJECTION. THAT'S VAGUE  
10:17:41 12 AND AMBIGUOUS.  
10:17:41 13 THE DEPONENT: YEAH. AGAIN, MY -- MY  
10:17:41 14 OPINION FLOWS FROM MR. KNEUPER, AND THAT'S MY  
10:17:43 15 ASSUMPTION.  
10:17:44 16 BY MR. WOLFSON:  
10:17:44 17 Q. OKAY. ARE YOU -- HAVE YOU SEEN ANY  
10:17:46 18 DISCUSSION OF WHAT IS A, QUOTE, "LEGITIMATE PROMOTER"  
10:17:49 19 IN THE BOXING INDUSTRY IN THIS CASE?  
10:17:51 20 MR. CESTERO: OBJECTION. IT'S VAGUE  
10:17:57 21 AND AMBIGUOUS.  
10:17:58 22 THE DEPONENT: I -- I DON'T RECALL, AS  
10:17:58 23 YOU SAID, QUOTE, "LEGITIMATE PROMOTER."  
10:18:02 24 I DO RECALL VERY VAGUELY AND GENERALLY  
10:18:04 25 THAT THAT'S DISCUSSED -- OR SOMETHING SIMILAR TO THAT

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## DEPOSITION OF GENE DEETZ

10:18:07 1 MIGHT BE DISCUSSED -- IN THE -- DR. KNEUPER'S REPORT  
10:18:09 2 AND MR. SHAW'S REPORT.

10:18:11 3 BY MR. WOLFSON:

10:18:11 4 Q. AND IF TOP RANK EARNED THE MONEY OFF  
10:18:18 5 OF PROMOTING OR CO-PROMOTING THE MAYWEATHER-PACQUIAO  
10:18:25 6 FIGHT, IS IT YOUR OPINION THAT THAT DAMAGED GOLDEN  
10:18:27 7 BOY, SUCH THAT HAYMON DEFENDANTS SHOULD PAY GOLDEN  
10:18:30 8 BOY DAMAGES?

10:18:32 9 MR. CESTERO: OBJECTION. THAT'S VAGUE  
10:18:34 10 AND AMBIGUOUS, MISSTATES THE WITNESS'S TESTIMONY.

10:18:38 11 THE DEPONENT: LET ME MAKE SURE I  
10:18:39 12 UNDERSTAND THE QUESTION. I THINK THE ANSWER TO THAT  
10:18:41 13 IS NO, BUT LET ME GIVE YOU WHAT I DID IN FRAMING  
10:18:45 14 THAT.

10:18:46 15 SO MY DAMAGES CALCULATION LOOKS AT  
10:18:48 16 ONLY THOSE ITEMS THAT ARE IN THE GOLDEN BOY P & L AND  
10:18:53 17 COMPARES THOSE YEAR-OVER-YEAR.

10:18:55 18 SO IT DOESN'T INCLUDE ANOTHER FIGHT  
10:18:56 19 THAT DIDN'T HAPPEN IN THE GOLDEN BOY P & L.

10:18:59 20 SO I THINK THE ANSWER TO YOUR QUESTION  
10:19:00 21 WAS NO, IF I UNDERSTOOD IT CORRECTLY.

10:19:02 22 BY MR. WOLFSON:

10:19:02 23 Q. OKAY. SO HAVE -- DID YOU ANALYZE AT  
10:19:03 24 ALL IN YOUR DAMAGES ANALYSIS WHAT IMPACT FLOYD  
10:19:08 25 MAYWEATHER'S CHOICE TO GO WITH A DIFFERENT BOXING

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## DEPOSITION OF GENE DEETZ

10:19:11 1 PROMOTER HAD ON THE GOLDEN BOY'S P & L?

10:19:14 2 MR. CESTERO: OBJECTION. THAT ASSUMES

10:19:17 3 FACTS, MISSTATES THE RECORD.

10:19:18 4 THE DEPONENT: WELL, MY ANALYSIS -- MY

10:19:20 5 ANALYSIS INCORPORATES THE 2000 -- JUST STICKING WITH

10:19:22 6 MR. MAYWEATHER, MY ANALYSIS INCORPORATES IN 2014, THE

10:19:27 7 OPERATING AND ALL OF THE COMPONENTS OF P & L, BUT THEN

10:19:30 8 FOR PURPOSES OF DISCUSSING THE OPERATING INCOME,

10:19:34 9 INCLUDES THE OPERATING INCOME FROM THE 2014

10:19:37 10 MAYWEATHER FIGHTS THAT WERE IN THE -- THE GOLDEN BOY

10:19:40 11 P & L.

10:19:41 12 SO IT -- IT -- IT INCORPORATES THAT

10:19:43 13 AND IT LEAVES THAT -- THAT OPERATING INCOME IN MY

10:19:45 14 COMPARISON.

10:19:46 15 BY MR. WOLFSON:

10:19:46 16 Q. OKAY. AND DID YOU TRY TO CONTROL FOR

10:19:49 17 MR. MAYWEATHER'S DECISION TO GO WITH A DIFFERENT

10:19:52 18 BOXING PROMOTER AS TO WHAT EFFECT THAT WOULD HAVE ON

10:19:55 19 GOLDEN BOY'S FINANCES?

10:19:56 20 A. WELL --

10:19:56 21 MR. CESTERO: OBJECTION. IT'S VAGUE

10:19:58 22 AND AMBIGUOUS.

10:19:58 23 THE DEPONENT: WELL, I DID -- I DID

10:19:59 24 CONSIDER IT. AND A COUPLE OF THINGS ON THAT.

10:20:05 25 ONE, IN MY REPORT I POINT OUT IN 2013,

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## DEPOSITION OF GENE DEETZ

10:24:26 1 FROM, AGAIN, DR. KNEUPER'S LIABILITY THEORY, THAT  
10:24:29 2 WE'VE GOT TYING OF THE PROMOTION AND MANAGEMENT AND  
10:24:32 3 THE LOCKUP OF THE T.V. THAT'S IMPACTED THEIR BUSINESS  
10:24:35 4 PLAN.

10:24:36 5 AND THAT'S THE BASIS FOR THAT  
10:24:37 6 ASSUMPTION.

10:24:38 7 Q. DID YOU ANALYZE WHETHER FIGHTERS THAT  
10:24:39 8 YOU HAVE NOW CHARACTERIZED AS CHAMPIONSHIP-CALIBER  
10:24:44 9 BOXERS IN YOUR UPDATED EXHIBIT 3 UNDER DR. KNEUPER'S  
10:24:48 10 CRITERIA SUDDENLY TURNED INTO  
10:24:50 11 NON-CHAMPIONSHIP-CALIBER BOXERS IN 2015?

10:24:53 12 MR. CESTERO: OBJECTION. IT'S VAGUE  
10:24:55 13 AND AMBIGUOUS.

10:24:55 14 THE DEPONENT: AND, I'M SORRY. COULD  
10:24:55 15 I HAVE THE QUESTION BACK, PLEASE?

10:24:58 16 BY MR. WOLFSON:

10:24:58 17 Q. I'LL ASK IT IN PARTS.

10:25:00 18 YOU SAID THAT YOU APPLIED  
10:25:01 19 DR. KNEUPER'S CRITERIA TO RUN YOUR ANALYSIS TO  
10:25:04 20 DETERMINE WHO WAS CHAMPIONSHIP-CALIBER BOXERS IN  
10:25:08 21 2014; RIGHT?

10:25:09 22 A. THAT'S A --

10:25:10 23 MR. CESTERO: WELL, I THINK THAT  
10:25:10 24 MISSTATES HIS TESTIMONY, AND MISSTATES --

10:25:12 25 THE DEPONENT: I APPLIED HIS --

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## DEPOSITION OF GENE DEETZ

10:25:13 1 MR. CESTERO: -- THE DOCUMENT.

10:25:15 2 THE DEPONENT: I'M -- I'M SORRY.

10:25:16 3 MR. CESTERO: GO AHEAD.

10:25:16 4 THE DEPONENT: I APPLIED DR. KNEUPER'S

10:25:18 5 CRITERIA TO THE FIGHTERS IN 2014 TO MAKE THE

10:25:20 6 DETERMINATION OF WHO WAS CHAMPIONSHIP-CALIBER AND NOT

10:25:22 7 CHAMPIONSHIP-CALIBER.

10:25:24 8 BY MR. WOLFSON:

10:25:24 9 Q. DID YOU THEN RUN THAT SAME ANALYSIS ON

10:25:27 10 THOSE SAME FIGHTERS FOR 2015 TO DETERMINE WHETHER

10:25:30 11 THEY WERE STILL CONSIDERED CHAMPIONSHIP-CALIBER

10:25:32 12 BOXERS?

10:25:34 13 MR. CESTERO: RE- -- REGARDLESS OF

10:25:34 14 WHETHER THEY APPEARED ON GOLDEN BOY'S P & L; IS THAT --

10:25:37 15 MR. WOLFSON: YES.

10:25:38 16 MR. CESTERO: -- YOUR QUESTION?

10:25:38 17 OKAY.

10:25:39 18 THE DEPONENT: TO THE EXTENT THEY'RE

10:25:40 19 IN GOLDEN BOY'S P & L, I DID. TO THE EXTENT THAT

10:25:42 20 THEY'RE NOT IN GOLDEN BOY'S P & L, I DID NOT.

10:25:45 21 BY MR. WOLFSON:

10:25:45 22 Q. SO YOU DON'T KNOW WHETHER THOSE BOXERS

10:25:49 23 FOUGHT FOR OTHER PROMOTERS IN 2015 OR 2016?

10:25:55 24 MR. CESTERO: WELL, OBJECTION. I

10:25:55 25 THINK THAT MISSTATES THE WITNESS'S TESTIMONY.



## DEPOSITION OF GENE DEETZ

10:25:57 1 THE DEPONENT: I -- I MAY HAVE SOME  
10:25:58 2 INFORMATION ABOUT THAT.  
10:25:59 3 BUT AS I SIT HERE TODAY, I DID NOT DO  
10:26:01 4 AN ANALYSIS OF THE FIGHTERS THAT -- THAT HAD LEFT THE  
10:26:06 5 P & L, SO TO SPEAK, AND WHETHER THEY WERE CHAMPIONSHIP  
10:26:09 6 OR NON-CHAMPIONSHIP CALIBER AFTER THEY -- AFTER THEY  
10:26:11 7 WERE NO LONGER IN GOLDEN BOY'S P & L.  
10:26:13 8 BY MR. WOLFSON:  
10:26:13 9 Q. NOW, YOU'VE SAID "FIGHTERS HAVE LEFT  
10:26:16 10 THE P & L." YOU MENTION THERE WERE 400-SOME-ODD  
10:26:19 11 FIGHTERS ON THE '14 P & L?  
10:26:22 12 A. YEAH. UNIQUELY, IT'S EXACTLY 400.  
10:26:24 13 Q. OKAY. AND THEN THERE WERE LESS  
10:26:25 14 FIGHTERS ON THE 2015 P & L?  
10:26:27 15 A. 243.  
10:26:28 16 Q. AND LESS FIGHTERS ON THE 2016 P & L?  
10:26:31 17 A. AT JUNE 30TH, 155.  
10:26:34 18 Q. HAVE YOU ANALYZED HOW MANY FIGHTERS  
10:26:37 19 WERE UNDER CONTRACT TO GOLDEN BOY AS WE'VE DEFINED  
10:26:38 20 "CONTRACT" HERE TODAY?  
10:26:39 21 A. YES.  
10:26:40 22 MR. CESTERO: IN EACH -- IN EACH OF  
10:26:40 23 THOSE YEARS?  
10:26:41 24 MR. WOLFSON: IN EACH OF THOSE YEARS,  
10:26:41 25 YES.

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## DEPOSITION OF GENE DEETZ

10:45:36 1 THE DEPONENT: YEAH. AGAIN, AND I'M  
10:45:37 2 SORRY. I KNOW I'M REPEATING MYSELF ON ALL THESE  
10:45:39 3 QUESTIONS.

10:45:40 4 AGAIN, IT FLOWS FROM DR. KNEUPER'S  
10:45:43 5 LIABILITY THEORY.

10:45:45 6 IT DOES CONTAIN -- IT DOES CONTAIN A  
10:45:45 7 FIGHTER-BY-FIGHTER, FIGHT-BY-FIGHT ANALYSIS FOR EVERY  
10:45:49 8 FIGHT FROM '15 -- '14, '15, AND '16, BUT IT FLOWS IN  
10:45:53 9 TOTAL FROM HIS LIABILITY THEORY.

10:45:54 10 BY MR. WOLFSON:

10:45:54 11 Q. DOES YOUR DAMAGES ANALYSIS, THOUGH,  
10:45:56 12 PICK OUT SPECIFIC BOXERS THAT GOLDEN BOY CLAIMS IT  
10:46:01 13 WAS TIED OUT OR PREVENTED FROM PROMOTING?

10:46:04 14 MR. CESTERO: OBJECTION. THE -- THE  
10:46:05 15 REPORT SPEAKS FOR ITSELF. IT'S VAGUE AND  
10:46:07 16 AMBIGUOUS.

10:46:11 17 THE DEPONENT: IT -- IT -- IT SHOWS  
10:46:11 18 ALL. I THINK THE ANSWER IS IT DOESN'T, BUT LET ME  
10:46:15 19 JUST SAY WHAT IT DOES SHOW TO -- TO MAKE SURE.

10:46:18 20 I HAVE EVERY FIGHTER THAT'S IN GOLDEN  
10:46:20 21 BOY'S P & L FOR ALL THREE PERIODS AND THE REVENUE,  
10:46:24 22 WHERE LOST, GENERATED ON A FIGHT-BY-FIGHT,  
10:46:25 23 FIGHTER-BY-FIGHTER BASIS.

10:46:26 24 SO THOSE WOULD BE THE FIGHTS THAT THEY  
10:46:26 25 DID FIGHT IN, AND IT DOESN'T CONTAIN ANY OTHER.

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## DEPOSITION OF GENE DEETZ

10:46:30 1 ANALYSIS BUT THAT.

10:46:31 2 BY MR. WOLFSON:

10:46:31 3 Q. DOES YOUR ANALYSIS HAVE ANY ABILITY TO  
10:46:34 4 ANALYZE THE PROFITS LOST FROM NOT BEING ABLE TO  
10:46:38 5 PROMOTE SEAN PORTER?

10:46:40 6 MR. CESTERO: OBJECTION. IT'S VAGUE  
10:46:54 7 AND AMBIGUOUS.

10:46:54 8 THE DEPONENT: I'M GOING TO GIVE YOU  
10:46:55 9 A -- A -- A -- A GENERAL ANSWER, AGAIN, WHAT IT DOES.

10:46:57 10 I DON'T KNOW ANY SPECIFIC FIGHT THAT  
10:46:58 11 MR. PORTER WAS IN OR WASN'T IN, BUT LET ME GIVE YOU A  
10:47:02 12 MORE GENERAL -- GENERAL ANSWER.

10:47:04 13 TO THE EXTENT THERE'S A FIGHTER IN ANY  
10:47:05 14 CATEGORY IN 2014 THAT EITHER FIGHTS OR DOESN'T FIGHT  
10:47:10 15 IN 2015 --

10:47:11 16 BY MR. WOLFSON:

10:47:11 17 Q. UH-HUH.

10:47:12 18 A. -- THAT COMPARISON EITHER TO AN  
10:47:15 19 OPERATING PROFIT BY FIGHTER IN '14 TO EITHER ZERO OR  
10:47:19 20 SOME OTHER NUMBER IN '15 IS EMBEDDED IN THAT  
10:47:21 21 ANALYSIS.

10:47:22 22 SO YOU COULD LITERALLY LOOK AND SEE  
10:47:25 23 AS A SUBSET OF MY DAMAGES CALCULATION ON A  
10:47:29 24 FIGHTER-BY-FIGHTER BASIS WHAT THEY CONTRIBUTED OR --  
10:47:32 25 OR DIDN'T CONTRIBUTE TO THE DAMAGE CALCULATION.

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## DEPOSITION OF GENE DEETZ

10:48:33 1 PAPER AND LAY ALL OF THIS OUT FIGHTER-BY-FIGHTER," IT  
10:48:36 2 COULD STILL ADD UP TO THESE SAME TOTALS.

10:48:40 3 BUT FOR PURPOSES OF THE ARITHMETIC,  
10:48:42 4 I'VE -- I'VE DONE OFF THE TOTALS FOR EACH PERIOD.

10:48:46 5 Q. OKAY. AND IF GOLDEN BOY, THE  
10:48:47 6 PLAINTIFFS IN THIS CASE, CLAIMS THAT THEY HAVE ONLY  
10:48:50 7 BEEN TIED OUT FROM FIVE BOXERS, WOULD YOUR DAMAGES  
10:48:54 8 ANALYSIS THEN HAVE TO BE REDUCED TO JUST THOSE FIVE  
10:48:58 9 BOXERS FOR THE LOST PROFITS ON THOSE?

10:49:00 10 MR. CESTERO: OBJECTION. IT'S AN  
10:49:04 11 INCOMPLETE HYPOTHETICAL. IT ASSUMES FACTS NOT IN  
10:49:05 12 EVIDENCE. IT'S VAGUE AND AMBIGUOUS, AND IT'S CALLS  
10:49:06 13 FOR A LEGAL CONCLUSION.

10:49:08 14 THE DEPONENT: YEAH. I'VE -- I'VE --  
10:49:09 15 I HAVE -- MY REPORT FLOWS TOTALLY FROM DR. KNEUPER,  
10:49:13 16 AND I HAVEN'T CONSIDERED ANY OTHER -- ANY OTHER  
10:49:16 17 ANALYSIS.

10:49:17 18 BY MR. WOLFSON:

10:49:17 19 Q. HAVE YOU REVIEWED ANY DISCOVERY  
10:49:19 20 RESPONSES FROM THE PLAINTIFFS IN THIS CASE?

10:49:24 21 A. I HAVE PROBABLY LOOKED AT THEM. BUT  
10:49:26 22 AS I SIT HERE TODAY, I DON'T HAVE ANY SPECIFIC  
10:49:29 23 RECOLLECTION OF ANY PARTICULAR RESPONSE.

10:49:33 24 BUT I -- IF THEY'RE LISTED IN MY  
10:49:37 25 "MATERIALS RELIED UPON," I CERTAIN REVIEWED THEM AT

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## DEPOSITION OF GENE DEETZ

10:49:39 1 SOME POINT, BUT I DON'T RECALL ANY PARTICULAR  
10:49:41 2 RESPONSE.  
10:49:42 3 Q. OKAY. AND IF THEY'RE NOT LISTED IN  
10:49:44 4 THERE, YOU DID NOT LOOK AT THEM?  
10:49:47 5 A. THAT'S CORRECT.  
10:50:09 6 Q. OKAY. BUT IF THEY ARE LISTED, THEN  
10:50:10 7 YOU DID REVIEW THEM?  
10:50:11 8 A. THAT'S CORRECT.  
10:50:11 9 Q. AND IF YOU HAD SEEN IN THERE  
10:50:12 10 INFORMATION THAT PLAINTIFFS WERE ONLY CLAIMING THAT  
10:50:14 11 THEY HAD BEEN TIED OUT FROM ACTUALLY FOUR PARTICULAR  
10:50:17 12 BOXERS, HOW WOULD THAT HAVE AFFECTED THE WAY THAT YOU  
10:50:20 13 CONDUCTED YOUR DAMAGES ANALYSIS?  
10:50:22 14 A. IT --  
10:50:23 15 MR. CESTERO: OBJECTION. IT'S AN  
10:50:24 16 INCOMPLETE HYPOTHETICAL. IT MISSTATES THE RECORD.  
10:50:26 17 IT ASSUMES FACTS NOT IN EVIDENCE, AND IT'S VAGUE AND  
10:50:28 18 AMBIGUOUS.  
10:50:28 19 THE DEPONENT: OKAY. IT -- IT -- IT  
10:50:29 20 WOULDN'T. MY ANALYSIS FLOWS FROM DR. KNEUPER'S  
10:50:33 21 OPINION.  
10:50:34 22 BY MR. WOLFSON:  
10:50:34 23 Q. OKAY. SO IF YOU LOOK AT PAGE -- IF GO  
10:50:35 24 TO YOUR REPORT, IT'S GOING TO BE THE -- AND THIS IS,  
10:50:42 25 WHAT, EXHIBIT 73? -- IT'S GOING TO BE THE BOLDED PAGE

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## DEPOSITION OF GENE DEETZ

10:50:45 1 120 ON THE BOTTOM RIGHT THERE.

10:50:57 2 A. I SEE THAT.

10:50:57 3 Q. OKAY. DO YOU SEE WHERE IT SAYS

10:50:58 4 "PLAINTIFFS' SUPPLEMENTAL RESPONSES TO DEFENDANTS,

10:50:59 5 HAYMON SPORTS, L.L.C., FIRST SET OF INTERROGATORIES?

10:51:00 6 AND THIS WOULD BE THE LAST ONE OF

10:51:03 7 THE -- OF THE BIG THICK ENTRIES FOR -- DATED AUGUST

10:51:05 8 25TH, 2016.

10:51:07 9 A. I SEE THAT.

10:51:07 10 Q. SO YOU DID REVIEW THAT --

10:51:08 11 A. I DID --

10:51:08 12 Q. -- FOR YOUR REPORT?

10:51:09 13 A. I WOULD HAVE LOOKED AT THAT, YES.

10:51:11 14 Q. OKAY. AND IF THERE WAS A STATEMENT IN

10:51:13 15 THERE THAT THE PLAINTIFFS' CONTEND THEY'VE ONLY BEEN

10:51:21 16 PRECLUDED FROM ENTERING PROMOTIONAL CONTRACTS WITH

10:51:24 17 FOUR BOXERS, HOW DOES THAT AFFECT YOUR DAMAGES

10:51:27 18 ANALYSIS AT ALL, OR IF --

10:51:28 19 MR. CESTERO: IT'S IN --

10:51:28 20 BY MR. WOLFSON:

10:51:28 21 Q. -- AT ALL?

10:51:30 22 MR. CESTERO: INCOMPLETE HYPOTHETICAL,

10:51:30 23 MISSTATES THE DOCUMENT. IT ASSUMES FACTS NOT IN

10:51:31 24 EVIDENCE. IT'S A MISREPRESENTATION OF THE RECORD.

10:51:35 25 THE DEPONENT: IT -- IT -- IT DOESN'T

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## DEPOSITION OF GENE DEETZ

10:51:36 1 IMPACT IT.

10:51:38 2 BY MR. WOLFSON:

10:51:38 3 Q. NOT AT ALL?

10:51:38 4 A. NOT AT ALL.

10:51:39 5 Q. OKAY. AND IF THE EVIDENCE SHOWS THAT

10:51:52 6 THE PLAINTIFFS WERE OFFERED A TIME BUY ON FOX

10:51:57 7 DEPORTES IN 2015 BUT TURNED THAT DOWN, HOW DOES THAT

10:52:01 8 AFFECT YOUR DAMAGES ANALYSIS?

10:52:02 9 MR. CESTERO: OBJECTION; ASSUMES FACTS

10:52:03 10 NOT IN EVIDENCE, MISSTATES THE RECORD. IT'S AN

10:52:08 11 INCOMPLETE HYPOTHETICAL.

10:52:09 12 YOU CAN ANSWER.

10:52:10 13 THE DEPONENT: OKAY. AND IT -- IT

10:52:11 14 WOULDN'T. MY -- MY -- MY DAMAGE OPINIONS FLOWS FROM

10:52:15 15 DR. KNEUPER'S LIABILITY --

10:52:17 16 BY MR. WOLFSON:

10:52:17 17 Q. OKAY.

10:52:17 18 A. -- OPINION.

10:52:18 19 Q. AND -- AND PART OF YOUR OPINION IS

10:52:20 20 THAT THE -- WELL -- IS THAT DEFENDANTS HAVE BEEN --

10:52:24 21 OR, I'M SORRY -- PLAINTIFFS HAVE BEEN PRECLUDED FROM

10:52:29 22 PROMOTING SHOWS ON, FOR EXAMPLE, FOX NETWORKS; RIGHT?

10:52:31 23 MR. CESTERO: I'M SORRY.

10:52:32 24 CAN YOU REPEAT THE QUESTION? READ THE

10:52:33 25 QUESTION BACK.

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## DEPOSITION OF GENE DEETZ

10:52:33 1 THANK YOU.

10:52:18 2 (THE RECORD WAS READ AS FOLLOWS:

10:52:18 3 Q. AND PART OF YOUR OPINION

10:52:19 4 IS THAT THE DEFENDANTS -- SORRY --

10:52:24 5 PLAINTIFFS HAVE BEEN PRECLUDED

10:52:28 6 FROM PROMOTING SHOWS ON, FOR

10:52:30 7 EXAMPLE, FOX NETWORKS?)

10:52:46 8 MR. CESTERO: YOU CAN ANSWER.

10:52:47 9 THE DEPONENT: YEAH. I DON'T THINK

10:52:47 10 THAT'S PART OF MY OPINION, BUT I THINK THAT FLOWS

10:52:49 11 FROM DR. KNEUPER'S OPINION TO MY DAMAGE

10:52:52 12 CALCULATION.

10:52:52 13 BY MR. WOLFSON:

10:52:52 14 Q. AND PART OF YOUR DAMAGE CALCULATION IS

10:52:54 15 THEIR INABILITY UNDER WHAT DR. KNEUPER'S ASSUMES

10:52:57 16 THEIR INABILITY TO PROMOTE SHOWS ON FOX NETWORKS?

10:53:05 17 A. THE ONLY REASON I'M GOING TO UNPACK

10:53:07 18 THAT A LITTLE BIT IS IT'S -- MY DAMAGE -- MY DAMAGE

10:53:09 19 OPINION IS -- IS IT'S A CAL- -- IT'S A CALCULATION,

10:53:10 20 AND IT'S A CALCULATION BASED ON THE DIFFERENCES IN

10:53:14 21 OPERATING INCOME YEAR-OVER-YEAR.

10:53:17 22 Q. UH-HUH.

10:53:17 23 A. AND SO -- SO THAT -- THAT CALCULATION

10:53:21 24 INCORPORATES DR. KNEUPER'S LIABILITY THEORY IN THAT.

10:53:23 25 SO THAT -- THAT WAS THE ONLY REASON FOR THE

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## DEPOSITION OF GENE DEETZ

10:53:25 1 CLARIFICATION.

10:53:27 2 Q. OKAY. YOU HAVE NO OPINION ON WHETHER

10:53:28 3 OR NOT THE PLAINTIFFS COULD HAVE PROFITABLY PUT A

10:53:33 4 SHOW ON FOX DEPORTES IN 2015 OR 2016, DO YOU?

10:53:36 5 A. I DON'T HAVE ANY -- ANY OPINION

10:53:40 6 INDEPENDENT OF WHAT I'VE ALREADY STATED.

10:53:43 7 Q. AND YOUR DAMAGES MODEL IS INCAPABLE OF

10:53:46 8 ADDRESSING THAT FACT BECAUSE IT'S ASSUMPTION IS THAT

10:53:49 9 THEY WERE INCAPABLE OF PROMOTING T.V. OR BOXING BOUTS

10:53:53 10 ON ANY FOX NETWORK --

10:53:55 11 MR. CESTERO: OBJECTION.

10:53:56 12 BY MR. WOLFSON:

10:53:56 13 Q. -- IN THAT TIME FRAME?

10:53:57 14 MR. CESTERO: OBJECTION. IT'S VAGUE

10:53:57 15 AND AMBIGUOUS. IT MISSTATES THE REPORT. IT

10:53:59 16 MISSTATES THE WITNESS'S TESTIMONY.

10:54:03 17 THE DEPONENT: YEAH. I -- I --

10:54:03 18 AGAIN, I HAVE A DAMAGE CALCULATION THAT FLOWS FROM

10:54:07 19 DR. KNEUPER.

10:54:09 20 I DON'T -- I DON'T RECALL HOW HE

10:54:10 21 CHARACTERIZES THE -- THE HARM AND THE -- FOR THE T.V.

10:54:13 22 COMPONENT, BUT IT FLOWS FROM THAT.

10:54:15 23 BY MR. WOLFSON:

10:54:15 24 Q. OKAY. BUT ONE OF THE COMPONENTS OF

10:54:16 25 YOUR DAMAGES ANALYSIS IS THAT IN 2014 AND THE FIRST

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## DEPOSITION OF GENE DEETZ

10:54:23 1 HALF OF 2015, THERE WERE SHOWS ON FOX DEPORTES THAT  
10:54:28 2 THE PLAINTIFFS PROMOTED, AND THEN THE FOX DEPORTES  
10:54:31 3 SHOWS WENT AWAY?  
10:54:38 4 MR. CESTERO: OBJECTION. I THINK THAT  
10:54:38 5 MISSTATES THE REPORT, BUT GO --  
10:54:38 6 THE DEPONENT: NO, I --  
10:54:38 7 MR. CESTERO: -- AHEAD AND CLARIFY.  
10:54:40 8 THE DEPONENT: WELL, I THINK IT'S -- I  
10:54:40 9 THINK IT'S A -- ACTUALLY, I THINK IT IS A YES. THE  
10:54:41 10 ONLY REASON I WANT TO CLARIFY IS I DON'T RECALL THE  
10:54:44 11 SPECIFICS.  
10:54:44 12 BUT TO THE EXTENT THERE'S FOX DEPORTES  
10:54:45 13 REVENUE IN ONE PERIOD AND THEN THERE'S NO FOX  
10:54:50 14 DEPORTES REVENUE IN ANOTHER, THEN THAT -- I WOULD  
10:54:50 15 CAPTURE THAT DIFFERENCE.  
10:54:51 16 BY MR. WOLFSON:  
10:54:51 17 Q. AND THE ASSUMPTION IS THAT THAT'S  
10:54:53 18 DAMAGE TO GOLDEN BOY BECAUSE, WHATEVER IT WAS, DUE TO  
10:54:55 19 THE DEFENDANTS' ACTIVITIES?  
10:55:00 20 A. YES. AGAIN, FLOWING FROM DR.  
10:55:02 21 KNEUPER'S LIABILITY OPINION.  
10:55:03 22 Q. OKAY. AND IF THE EVIDENCE IS THAT  
10:55:06 23 PLAINTIFFS TURNED DOWN THE OPPORTUNITY TO CONTINUE  
10:55:09 24 PROMOTING ON FOX DEPORTES FOR 2015 AND 2016, HOW DOES  
10:55:16 25 THAT AFFECT YOUR DAMAGES ANALYSIS?

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## DEPOSITION OF GENE DEETZ

10:55:18 1 MR. CESTERO: OBJECTION. IT'S AN  
10:55:19 2 INCOMPLETE HYPOTHETICAL. IT ASSUMES FACTS NOT IN  
10:55:22 3 EVIDENCE, AND IT MISSTATES THE RECORD.  
10:55:24 4 GO AHEAD.  
10:55:24 5 THE DEPONENT: AND, AGAIN, IT WOULD --  
10:55:25 6 IT WOULDN'T. BECAUSE I -- MY OPINION FLOWS DIRECTLY  
10:55:27 7 FROM DR. KNEUPER'S LIABILITY OPINION.  
10:55:32 8 BY MR. WOLFSON:  
10:55:32 9 Q. OKAY. NOW, WE'VE PREVIOUSLY TALKED  
10:55:33 10 ABOUT HOW YOU RELY EXCLUSIVELY ON DR. KNEUPER'S  
10:55:37 11 CRITERIA FOR CHAMPIONSHIP-CALIBER BOXERS; RIGHT?  
10:55:40 12 A. THAT'S CORRECT.  
10:55:40 13 Q. AND THAT YOU APPLIED THOSE CRITERIA  
10:55:46 14 WHEN ESTABLISHING WHICH BOXERS YOU DID AND DID NOT  
10:55:49 15 INCLUDE AS CHAMPIONSHIP-CALIBER BOXERS IN YOUR  
10:55:52 16 ANALYSIS?  
10:55:52 17 A. I BELIEVE THAT'S CORRECT, YES.  
10:55:59 18 Q. OKAY. IF THE EVIDENCE SHOWS THAT  
10:56:00 19 GOLDEN BOY'S CRITERIA FOR CHAMPIONSHIP-CALIBER BOXERS  
10:56:05 20 ARE NARROWER THAN THE ONES THAT DR. KNEUPER APPLIED,  
10:56:09 21 HOW DOES THAT AFFECT YOUR DAMAGES ANALYSIS?  
10:56:13 22 MR. CESTERO: OBJECT. IT VAGUE AND  
10:56:14 23 AMBIGUOUS. IT'S AN INCOMPLETE HYPOTHETICAL. IT  
10:56:18 24 ASSUMES FACTS NOT IN EVIDENCE.  
10:56:20 25 THE DEPONENT: AGAIN, I -- I DON'T



## DEPOSITION OF GENE DEETZ

10:56:21 1 THINK IT WOULD.

10:56:22 2 BY MR. WOLFSON:

10:56:22 3 Q. NOT AT ALL?

10:56:23 4 A. AT ALL. NOT AT ALL.

10:56:23 5 Q. WHY NOT?

10:56:24 6 A. IT FLOWS FROM DR. KNEUPER'S OPINION.

10:56:26 7 Q. SO IF DR. KNEUPER'S OPINION ON

10:56:30 8 CHAMPIONSHIP-CALIBER BOXERS WAS REFUTED BY THE

10:56:36 9 EVIDENCE, IS YOUR DAMAGES MODEL CAPABLE OF ADJUSTING

10:56:40 10 TO WHAT THE EVIDENCE SHOWS ARE CHAMPIONSHIP-CALIBER

10:56:42 11 BOXERS?

10:56:43 12 MR. CESTERO: WELL, I'LL OBJECT. THE

10:56:44 13 QUESTION IS AN INCOMPLETE HYPOTHETICAL. IT ASSUMES

10:56:46 14 FACTS NOT IN EVIDENCE. IT'S ARGUMENTATIVE, AND IT'S

10:56:51 15 VAGUE AND AMBIGUOUS.

10:56:51 16 THE DEPONENT: THE -- IF YOU'D TURN

10:57:00 17 TO -- IF WE COULD GO BACK TO THE AMENDED OR REVISED

10:57:03 18 EXHIBIT 3 FOR A SECOND --

10:57:04 19 BY MR. WOLFSON:

10:57:04 20 Q. UH-HUH.

10:57:05 21 A. -- AND LOOK AT THE SECOND PAGE.

10:57:11 22 SO THIS IS LINKED TO THE FIRST PAGE.

10:57:11 23 AND TO THE EXTENT -- TO THE EXTENT -- AND I -- I'M --

10:57:15 24 I'M NOT SUGGESTING THAT -- THAT -- THAT THIS IS MY

10:57:18 25 OPINION OR THAT ANY OTHER TESTIMONY THEN -- THEN

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## DEPOSITION OF GENE DEETZ

10:57:20 1 WHAT -- WHAT I'VE GOT FLOWS FROM DR. KNEUPER'S  
10:57:25 2 LIABILITY OPINION.  
10:57:27 3 BUT THE POINT IS, THAT TO THE EXTENT  
10:57:29 4 YOU WERE TO CHANGE -- FOR WHATEVER REASON -- THE --  
10:57:32 5 THE X'S IN THE "RELATIVE CRITERIA" BOXES, THEN WHAT  
10:57:37 6 WOULD HAPPENED --  
10:57:37 7 Q. UH-HUH.  
10:57:38 8 A. -- IS THAT THE INTER-RELATIONSHIP OF  
10:57:41 9 CHAMPIONSHIP-CALIBER AND NON-CHAMPIONSHIP-CALIBER  
10:57:45 10 AMOUNTS WOULD CHANGE, BUT THE TOTAL AMOUNT THAT I USE  
10:57:48 11 FOR DAMAGES WOULD STAY THE SAME.  
10:57:51 12 Q. UH-HUH. AND ONE OF THE -- ONE OF THE  
10:57:52 13 FUNDAMENTAL BASES FOR YOUR DAMAGES ANALYSIS IS THAT  
10:58:01 14 INCOME WENT DOWN FROM 2014 TO 2015 AND 2016; RIGHT?  
10:58:05 15 MR. CESTERO: IT'S VAGUE AND  
10:58:06 16 AMBIGUOUS.  
10:58:06 17 THE DEPONENT: YEAH. AND I'M JUST --  
10:58:07 18 I -- THE INCOME FROM BOXING OPERATIONS WENT DOWN FROM  
10:58:09 19 '14 TO '15 AND '15 TO '16.  
10:58:12 20 BY MR. WOLFSON:  
10:58:12 21 Q. OKAY. NOW, IF THE EVIDENCE SHOWED,  
10:58:17 22 HOWEVER, THAT, FOR EXAMPLE, INCOME FROM  
10:58:19 23 NON-CHAMPIONSHIP-CALIBER BOXERS IN 2014 WAS MUCH  
10:58:25 24 HIGHER THAN WHAT YOU HAVE HERE AND WAS MUCH HIGHER IN  
10:58:31 25 2015 AND 2016, WHAT DOES THAT DO TO YOUR CONCLUSIONS

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## DEPOSITION OF GENE DEETZ

10:58:35 1 ABOUT GOLDEN BOY'S DAMAGES?

10:58:38 2 MR. CESTERO: I'M SORRY. CAN YOU  
10:58:39 3 REPEAT THAT QUESTION FOR ME, PLEASE.

10:58:12 4 (THE RECORD WAS READ AS FOLLOWS:

10:58:12 5 Q. OKAY. NOW, IF THE EVIDENCE  
10:58:16 6 SHOWED, HOWEVER, THAT, FOR EXAMPLE,  
10:58:18 7 INCOME FROM NON-CHAMPIONSHIP-CALIBER  
10:58:23 8 BOXERS IN 2014 WAS MUCH HIGHER  
10:58:26 9 THAN WHAT YOU HAVE HERE AND WAS  
10:58:29 10 MUCH HIGHER IN 2015 AND 2016, WHAT  
10:58:33 11 DOES THAT DO TO YOUR CONCLUSIONS  
10:58:35 12 ABOUT GOLDEN BOY'S DAMAGES?)

10:58:59 13 MR. CESTERO: OBJECT. IT AN  
10:58:59 14 INCOMPLETE HYPOTHETICAL. IT ASSUMES FACTS NOT IN  
10:59:02 15 EVIDENCE, AND IT'S VAGUE AND AMBIGUOUS.

10:59:04 16 THE DEPONENT: I -- I -- I THINK IT'S  
10:59:05 17 A TWO-PART ANSWER.

10:59:07 18 ONE, I HAVEN'T CONSIDERED ANY OTHER  
10:59:09 19 ANALYSIS OTHER THAN THE ONE THAT -- THAT'S BASED ON  
10:59:12 20 DR. KNEUPER'S CRITERIA.

10:59:14 21 BY MR. WOLFSON:

10:59:14 22 Q. OKAY.

10:59:15 23 A. SO I -- I WOULDN'T HAVE -- I HAVEN'T  
10:59:16 24 DONE ANOTHER ANALYSIS TO HAVE ANOTHER -- ANOTHER  
10:59:19 25 OPINION, OTHER THAN THE ONE I PRESENTED.

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## DEPOSITION OF GENE DEETZ

10:59:21 1 Q. OKAY. AND -- AND TWO?

10:59:23 2 A. TWO, IS THAT THE DAMAGE AMOUNTS ARE

10:59:28 3 BASED ON THE TOTAL INCOME FROM BOXING OPERATIONS --

10:59:32 4 Q. AND --

10:59:33 5 A. -- WHICH IS NOT GOING TO CHANGE.

10:59:34 6 Q. AND THEY'RE NOT BASED ON ANY

10:59:37 7 DIVISIONS BETWEEN CHAMPIONSHIP-CALIBER BOXERS AND

10:59:39 8 NON-CHAMPIONSHIP-CALIBER BOXERS?

10:59:42 9 MR. CESTERO: OBJECTION. IT'S VAGUE

10:59:44 10 AND AMBIGUOUS.

10:59:45 11 THE DEPONENT: IT'S CONTAINS THOSE

10:59:45 12 DIFFERENCES, BUT THOSE ARE ALL SUBPARTS OF THE

10:59:48 13 TOTAL.

10:59:51 14 BY MR. WOLFSON:

10:59:51 15 Q. AND YOUR UNDERSTANDING IS THAT --

10:59:56 16 OKAY. STRIKE THAT.

11:00:00 17 SO NO MATTER HOW BOXERS ARE DEFINED --

11:00:04 18 CHAMPIONSHIP-CALIBER BOXERS VERSUS

11:00:05 19 NON-CHAMPIONSHIP-CALIBER BOXERS -- YOUR DAMAGES

11:00:06 20 NUMBERS REMAIN THE SAME?

11:00:08 21 MR. CESTERO: OBJECTION. THAT'S VAGUE

11:00:08 22 AND AMBIGUOUS AND AN INCOMPLETE HYPOTHETICAL.

11:00:10 23 THE DEPONENT: YEAH. I HAVEN'T

11:00:11 24 CONSIDERED ANY OTHER ANALYSIS THAN THE ONE THAT I

11:00:15 25 PRESENTED YOU THAT FLOWS FROM DR. KNEUPER'S. AND SO

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## DEPOSITION OF GENE DEETZ

11:00:19 1 I DON'T HAVE ANY OTHER OPINION THAN THIS ONE.

11:00:20 2 BY MR. WOLFSON:

11:00:20 3 Q. SO IN EXHIBIT 3 HERE, THE UPDATED  
11:00:24 4 EXHIBIT 3, NO MATTER HOW THE ROW NUMBERS CHANGE --  
11:00:28 5 CHANGE, YOUR FINAL DAMAGES CONCLUSIONS WILL REMAIN  
11:00:36 6 THE SAME?

11:00:37 7 MR. CESTERO: OBJECTION. THAT'S VAGUE  
11:00:38 8 AND AMBIGUOUS.

11:00:43 9 THE DEPONENT: I HAVEN'T CONSIDERED  
11:00:44 10 ANY OTHER -- ANY OTHER ALTERNATIVE BUT THE ONE THAT'S  
11:00:49 11 DRIVEN BY DR. KNEUPER'S ASSUMPTION, SO I WOULDN'T  
11:00:51 12 HAVE ANY OTHER OPINION THAN THE ONE I'VE GOT BASED ON  
11:00:54 13 THIS REPORT.

11:00:54 14 BY MR. WOLFSON:

11:00:54 15 Q. OKAY. AND WOULD -- I'M --  
11:00:56 16 SPECIFICALLY, THOUGH, MY QUESTION HERE IS: NO MATTER  
11:00:59 17 HOW THE NUMBERS IN THESE ROWS AS YOU'VE DEFINED THEM  
11:01:01 18 CHANGE, IT IS YOUR OPINION THAT THE ULTIMATE DAMAGES  
11:01:03 19 NUMBERS -- THE 7 TO 8.4 MILLION OR THE 20 MILLION --  
11:01:09 20 THEY REMAIN THE SAME?

11:01:10 21 A. NO. MY TESTIMONY IS THAT THAT  
11:01:12 22 ANALYSIS THAT I'VE DONE IS THE ONE I'VE PRESENTED,  
11:01:14 23 AND THAT'S WHAT MY OPINION IS BASED ON. I HAVEN'T  
11:01:17 24 CONSIDERED ANY OTHER -- ANY OTHER ANALYSIS OR  
11:01:20 25 ALTERNATIVE DAMAGES CALCULATION.

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## DEPOSITION OF GENE DEETZ

11:04:38 1 Q. GOT IT.

11:04:38 2 A. THAT WAS THE REASON FOR THE

11:04:40 3 CONFUSION.

11:04:40 4 Q. GOT IT. OKAY.

11:04:47 5 AND IF YOU FLIP TO THE SECOND PAGE --

11:04:48 6 JUST WE'RE GOING TO GO THROUGH THIS 2014 DETAIL ONE

11:04:52 7 MORE TIME.

11:04:54 8 A. OKAY.

11:04:54 9 Q. WE'VE ALREADY TALKED ABOUT ALFREDO

11:04:57 10 ANGULO, DEVON ALEXANDER, SAKIO BIKA.

11:05:00 11 IF YOU GO DOWN, DO YOU SEE "DIERRY"

11:05:02 12 JEAN? IT'S WITH A J-E-N [SIC].

11:05:06 13 A. "DIERRY" WITH A "D"?

11:05:09 14 Q. UH-HUH.

11:05:11 15 A. J-E-A-N. I DO SEE THAT.

11:05:11 16 Q. UH-HUH. AND SINCE THERE'S AN "X"

11:05:13 17 IN THE COLUMN "INCREMENTAL CHAMPIONSHIP-CALIBER,"

11:05:17 18 THAT MEANS THAT HE IS NOW BEING CONSIDERED A

11:05:15 19 CHAMPIONSHIP-CALIBER BOXER FOR YOUR ANALYSIS, BUT

11:05:20 20 PREVIOUSLY WAS NOT?

11:05:21 21 A. THAT'S CORRECT.

11:05:22 22 Q. AND INCLUDING MR. DIERRY JEAN IN

11:05:28 23 YOUR -- IN YOUR DAMAGES ANALYSIS DID NOT CHANGE YOUR

11:05:29 24 ULTIMATE CONCLUSIONS ABOUT GOLDEN BOY'S DAMAGES?

11:05:33 25 A. IT DID NOT.

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## DEPOSITION OF GENE DEETZ

11:05:35 1 Q. OKAY. AND WOULD IT SURPRISE YOU  
11:05:36 2 TO UNDER- -- TO LEARN THAT MR. JEAN IS NOT INCLUDED  
11:05:40 3 IN MR. KNEUPER'S LIST OF CHAMPIONSHIP-CALIBER  
11:05:42 4 BOXERS?  
11:05:43 5 MR. CESTERO: VAGUE AS TO TIME.  
11:05:44 6 THE DEPONENT: AGAIN, THIS IS -- THIS  
11:05:45 7 IS -- IT -- IT WOULDN'T SURPRISE ME BECAUSE THIS IS  
11:05:47 8 AN ANALYSIS AS OF 2014. AND I'M NOT SURE WHAT PERIOD  
11:05:50 9 DR. KNEUPER'S ANALYZING.  
11:05:57 10 BY MR. WOLFSON:  
11:05:57 11 Q. OKAY. EZEKIEL BROOK -- IF YOU GO  
11:06:00 12 DOWN.  
11:06:00 13 A. I'M GONNA -- I'VE GOT -- I'VE GOT IT.  
11:06:01 14 Q. OKAY. IN THE COLUMN FOR "INCREMENTAL  
11:06:02 15 CHAMPIONSHIP-CALIBER BOXERS," HE IS NOW INCLUDED.  
11:06:04 16 A. I SEE THAT.  
11:06:05 17 Q. WOULD IT SURPRISE YOU TO UNDERSTAND  
11:06:07 18 THAT MR. BROOK WAS NOT INCLUDED DR. KNEUPER'S LIST OF  
11:06:11 19 CHAMPIONSHIP-CALIBER BOXERS?  
11:06:13 20 A. AGAIN -- AGAIN, IT'S GOING TO HAVE  
11:06:14 21 THE -- THIS -- THIS -- NO, IT -- IT WOULDN'T, FOR THE  
11:06:16 22 REASONS I'VE TESTIFIED ALREADY.  
11:06:18 23 Q. OKAY. AND INCLUDING MR. BROOK IN YOUR  
11:06:21 24 CHAMPIONSHIP-CALIBER NUMBERS DID NOT AFFECT YOUR  
11:06:24 25 ULTIMATE CONCLUSIONS ABOUT GOLDEN BOY'S DAMAGES;

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## DEPOSITION OF GENE DEETZ

11:06:27 1 RIGHT?

11:06:28 2 A. THAT'S CORRECT.

11:06:32 3 Q. IF YOU DO DOWN -- IT'S A LITTLE OVER

11:06:33 4 HALFWAY DOWN TO SOMEONE NAMED NIHITO ARAKAWA. I KNOW

11:06:37 5 IT'S SMALL -- SMALL TEXT.

11:06:47 6 A. ABOVE OR BELOW RICARDO ALVAREZ?

11:06:53 7 MR. CESTERO: BELOW. ABOUT TEN BELOW

11:06:56 8 HIM.

11:07:14 9 (DOCUMENT REVIEWED BY THE DEPONENT.)

11:07:14 10 THE DEPONENT: I'M SORRY. I'M JUST

11:07:15 11 NOT PICKING IT UP. GIVE ME A SECOND.

11:07:17 12 BY MR. WOLFSON:

11:07:17 13 Q. UH-HUH.

11:07:18 14 A. "ARAKAWA"?

11:07:19 15 Q. YES.

11:07:19 16 A. I HAVE IT.

11:07:20 17 Q. OKAY. SO IN THE COLUMN FOR

11:07:22 18 "INCREMENTAL CHAMPIONSHIP-CALIBER," THIS MEANS --

11:07:23 19 THERE'S AN "X" THERE, MEANING HE'S, FOR THIS

11:07:27 20 ANALYSIS, BEING INCLUDED AS CHAMPIONSHIP-CALIBER BUT

11:07:29 21 PREVIOUSLY WAS NOT?

11:07:30 22 A. THAT'S CORRECT.

11:07:31 23 Q. OKAY. AND WOULD IT SURPRISE YOU

11:07:32 24 TO LEARN THAT MR. ARAKAWA IS NOT INCLUDED IN MR. --

11:07:37 25 DR. KNEUPER'S LIST OF CHAMPIONSHIP-CALIBER BOXERS?



## DEPOSITION OF GENE DEETZ

11:07:39 1 A. AGAIN, NO, IT WOULDN'T, FOR THE  
11:07:41 2 REASONS WE'VE -- WE'VE -- OR I'VE TESTIFIED TO  
11:07:44 3 PREVIOUSLY.  
11:07:45 4 Q. OKAY. AND THE INCLUSION NOW OF  
11:07:46 5 MR. ARAKAWA DOES NOT CHANGE YOUR CONCLUSIONS ABOUT  
11:07:50 6 THE DAMAGES TO GOLDEN BOY?  
11:07:51 7 A. THAT'S CORRECT.  
11:07:52 8 Q. IF YOU GO DOWN TO THE VERY --  
11:07:56 9 THIRD-TO-LAST BOXER NAMED MARCO PERIBAN?  
11:08:01 10 A. I SEE THAT.  
11:08:02 11 Q. OR PERIBAN.  
11:08:04 12 THIS IS ALSO BECAUSE HE'S MARKED IN  
11:08:07 13 THE "INCREMENTAL CHAMPIONSHIP-CALIBER" COLUMN, A  
11:08:09 14 NEW -- A BOXER THAT IS NOW BEING CONSIDERED A  
11:08:12 15 CHAMPIONSHIP-CALIBER, WHEREAS PREVIOUSLY HE WAS NOT.  
11:08:14 16 A. I SEE THAT.  
11:08:15 17 Q. AND WOULD IT SURPRISE YOU THAT  
11:08:17 18 MR. PERIBAN WAS NOT INCLUDED IN DR. KNEUPER'S LIST OF  
11:08:21 19 CHAMPIONSHIP-CALIBER BOXERS?  
11:08:22 20 A. NO, IT WOULD NOT. AGAIN, FOR THE SAME  
11:08:23 21 REASON I'VE TESTIFIED TO.  
11:08:24 22 Q. AND CAN I -- AM I RIGHT TO ASSUME THAT  
11:08:27 23 HIS INCLUSION NOW AS A CHAMPIONSHIP-CALIBER BOXER  
11:08:30 24 DOES NOT CHANGE YOUR ULTIMATE DAMAGES CONCLUSIONS  
11:08:33 25 EITHER?

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## DEPOSITION OF GENE DEETZ

11:08:33 1 A. IT DOES NOT.

11:09:18 2 Q. ACTUALLY, IF YOU COULD KEEP THAT IN

11:09:20 3 FRONT OF YOU AND TURN TO THE 2015 DETAIL.

11:09:22 4 A. SURE.

11:09:23 5 Q. IT'LL WOULD BE PAGE 8 OF YOUR NEW

11:09:25 6 EXHIBIT 3.

11:09:26 7 A. 8 OF 11?

11:09:28 8 Q. UH-HUH.

11:09:34 9 A. I HAVE THAT.

11:09:35 10 Q. OKAY. THIS -- THE EASIER WAY ANA- --

11:09:38 11 WAY TO FIND THIS WILL BE BY LOOKING AT THE FIRST "X"

11:09:41 12 IN THE "INCREMENTAL CHAMPIONSHIP-CALIBER" ROW?

11:09:45 13 A. I HAVE THAT.

11:09:46 14 Q. THAT'S FOR A BOXER NAMED ALFONSO

11:09:48 15 GOMEZ?

11:09:49 16 A. I SEE THAT.

11:09:50 17 MR. CESTERO: I'M SORRY. I'M SORRY.

11:09:50 18 WHICH ROW ARE YOU TALKING ABOUT?

11:09:53 19 MR. WOLFSON: WELL, I'M TALKING ABOUT

11:09:53 20 THE COLUMN.

11:09:55 21 MR. CESTERO: OH.

11:09:56 22 MR. WOLFSON: BASICALLY, IF YOU GO

11:09:56 23 DOWN TO THE FIRST BOXER THAT THIS TIME IS BEING

11:09:59 24 INCLUDED AS A -- AS A CHAMPIONSHIP-CALIBER.

11:10:06 25 MR. CESTERO: IN THE "INCREMENTAL"

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## DEPOSITION OF GENE DEETZ

11:10:10 1 COLUMN?  
11:10:10 2 MR. WOLFSON: YES. IT'S A BOXER NAMED  
11:10:12 3 ALFONZO GOMEZ.  
11:10:14 4 MR. CESTERO: THAT'S NOT WHAT MINE'S  
11:10:14 5 SHOWING IN 2015.  
11:10:16 6 MR. WOLFSON: 2015?  
11:10:16 7 THE DEPONENT: YEAH, PAGE 8.  
11:10:16 8 MR. WOLFSON: OR PAGE 8, THAT'S WHAT  
11:10:18 9 IT IS.  
11:10:18 10 THE DEPONENT: PAGE 8 OF 11, IF YOU  
11:10:18 11 LOOK AT THE --  
11:10:18 12 MR. CESTERO: OH, I'M SORRY.  
11:10:19 13 SO IT'S THE SECOND PAGE OF PAGE 8.  
11:10:21 14 OKAY.  
11:10:21 15 MR. WOLFSON: UH-HUH.  
11:10:21 16 MR. CESTERO: OKAY. FINE. I  
11:10:22 17 UNDERSTAND. I WAS ON THE FIRST PAGE. SORRY.  
11:10:34 18 I STILL DON'T THINK THAT'S THE RIGHT  
11:10:34 19 GUY. OH, MAYBE IT IS.  
11:10:34 20 I'M LOOKING UNDER THE WRONG COLUMN --  
11:10:34 21 COLUMN.  
11:10:34 22 OH, YEAH. THERE YOU GO. GOT IT.  
11:10:34 23 OKAY.  
11:10:35 24 BY MR. WOLFSON:  
11:10:35 25 Q. SO MR. -- THIS IS AN ANALYSIS THAT YOU

## DEPOSITION OF GENE DEETZ

11:10:37 1 UPDATED BASED ON THE CRITERIA FROM DR. KNEUPER;

11:10:39 2 RIGHT?

11:10:40 3 A. THAT'S CORRECT.

11:10:40 4 Q. FOR 2015?

11:10:42 5 A. THAT'S CORRECT.

11:10:42 6 Q. AND WOULD IT SURPRISE YOU TO KNOW

11:10:44 7 THAT -- AND FEEL FREE TO LOOK -- THAT MR. GOMEZ IS

11:10:48 8 NOT INCLUDED AS A CHAMPIONSHIP-CALIBER BOXER IN

11:10:50 9 DR. KNEUPER'S LIST OF CHAMPIONSHIP-CALIBER BOXERS?

11:10:54 10 A. IT -- IT WOULD NOT, FOR THE REASONS

11:10:56 11 WE'VE ALL -- I'VE PREVIOUSLY TESTIFIED TO.

11:10:58 12 Q. WHY WOULD THAT NOT SURPRISE YOU?

11:11:01 13 A. THERE'S TWO REASONS.

11:11:02 14 ONE IS THAT -- THAT THERE -- I DON'T

11:11:05 15 KNOW OF ANY OTHER -- I DON'T KNOW THE EXACT TIME

11:11:08 16 FRAME THAT DR. KNEUPER'S OPINING ON --

11:11:11 17 Q. UH-HUH.

11:11:12 18 A. -- IS ONE.

11:11:15 19 AND THAT EVEN IF WE WERE IN THE

11:11:18 20 SAME -- HYPOTHETICALLY LINING UP IN SAME TIME PERIOD

11:11:24 21 WHEN YOU'RE LOOKING AT -- OH -- WHEN YOU'RE LOOKING

11:11:26 22 AT SEVERAL HUNDRED FIGHTERS IN MAKING THAT

11:11:29 23 DETERMINATION, IT WOULDN'T SURPRISE ME IF THERE WAS

11:11:31 24 ONE OR TWO DIFFERENCES IN INTERPRETING THE DATA THAT

11:11:35 25 WOULD -- THAT WOULD RESULT IN THAT DETERMINATION.

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## DEPOSITION OF GENE DEETZ

11:11:38 1 BECAUSE I DID THIS COMPLETELY INDEPENDENTLY.

11:11:42 2 Q. WELL, WHAT GIVES YOU THE QUALIFICATION

11:11:44 3 TO DO THIS INDEPENDENTLY IF --

11:11:45 4 A. WELL, BECAUSE --

11:11:47 5 Q. -- IF IT'S DR. KNEUPER'S CRITERIA AND

11:11:49 6 ANALYSIS?

11:11:50 7 A. WELL, I'M --

11:11:50 8 MR. CESTERO: OBJECTION. IT'S VAGUE

11:11:51 9 AND AMBIGUOUS.

11:11:52 10 GO AHEAD.

11:11:52 11 THE DEPONENT: THE CRITERIA ARE CLEAR,

11:11:53 12 AND IT'S -- IT'S -- IT IS A DEFINITION OF A

11:11:57 13 U.S.-BASED MANAGER OR PROMOTER, IT'S A RANKING

11:12:01 14 CRITERIA, AND A TELEVISION CRITERIA, OR A

11:12:07 15 WORLD-CHAMPION CRITERIA, IF I REMEMBER ALL OF THEM

11:12:10 16 CORRECTLY.

11:12:10 17 AND I'M APPLYING THOSE CRITERIA AND --

11:12:12 18 AND CREATING THAT LIST BASED ON THOSE CRITERIA.

11:12:15 19 BY MR. WOLFSON:

11:12:15 20 Q. BUT YOU ARE SAYING THEY'RE

11:12:16 21 CHAMPIONSHIP-CALIBER BOXERS FOR YOUR ANALYSIS;

11:12:18 22 RIGHT?

11:12:18 23 A. THAT'S CORRECT.

11:12:19 24 Q. AND THAT IS THE TERMINOLOGY THAT

11:12:20 25 DR. KNEUPER IS USING?

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## DEPOSITION OF GENE DEETZ

11:12:22 1 A. AND I'M ADOPT -- I'M ADOPTING THAT  
11:12:23 2 TERMINOLOGY AND HIS CRITERIA BASED ON HIS REPORT.  
11:12:27 3 Q. HIS CRITERIA AND HIS METHODOLOGY FOR  
11:12:28 4 DETERMINING WHAT IS A CHAMPIONSHIP-CALIBER BOXER?  
11:12:30 5 MR. CESTERO: OBJECTION. THAT'S VAGUE  
11:12:31 6 AND AMBIGUOUS.  
11:12:34 7 THE DEPONENT: WELL, THE CRITERIA --  
11:12:35 8 I -- I THINK THE ANSWER IS YES.  
11:12:38 9 THE CRITERIA DETERMINED THE OUTCOME.  
11:12:39 10 SO WHEN I APPLY THE CRITERIA, I EITHER HAVE OR DON'T  
11:12:40 11 HAVE A CHAMPIONSHIP-CALIBER BOXER.  
11:12:43 12 BY MR. WOLFSON:  
11:12:43 13 Q. AND HE -- BUT THERE ARE INSTANCES  
11:12:45 14 WHERE YOU'RE SAYING THAT, BASED ON HIS CRITERIA, YOU  
11:12:48 15 AND HE ARE DISAGREEING AS TO WHICH BOXERS ARE AND ARE  
11:12:53 16 NOT CHAMPIONSHIP-CALIBER BOXERS.  
11:12:53 17 A. AND THAT WASN'T MY --  
11:12:55 18 (SPEAKING SIMULTANEOUSLY.)  
11:12:55 19 MR. CESTERO: OBJECTION. THAT  
11:12:55 20 MISSTATES THE WITNESS'S --  
11:12:55 21 THE DEPONENT: -- MY TESTIMONY.  
11:12:56 22 MR. CESTERO: -- TESTIMONY.  
11:12:56 23 THE DEPONENT: NO.  
11:12:56 24 BY MR. WOLFSON:  
11:12:56 25 Q. BUT ISN'T -- ISN'T THAT RIGHT ON THE

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## DEPOSITION OF GENE DEETZ

11:12:57 1 PAGE?

11:12:58 2 A. NO, NOT AT ALL.

11:13:01 3 MR. CESTERO: NO.

11:13:02 4 BY MR. WOLFSON:

11:13:02 5 Q. OKAY. SO LET'S GO TO -- LET'S GO BACK

11:13:03 6 A PAGE THEN. PAGE 7 OF EXHIBIT 3.

11:13:06 7 A. RIGHT.

11:13:06 8 Q. DO YOU UNDERSTAND THAT DR. KNEUPER'S

11:13:09 9 ANALYSIS IS FROM JANUARY 1ST, 2015, THROUGH THE

11:13:12 10 PRESENT?

11:13:13 11 MR. CESTERO: WELL, OBJECTION. THE

11:13:13 12 DOCUMENT SPEAKS FOR ITSELF.

11:13:15 13 THE DEPONENT: YEAH. I DON'T HAVE A

11:13:16 14 SPECIFIC UNDERSTANDING OF -- OF HIS ANALYSIS OR AS OF

11:13:20 15 WHAT DATES HE'S MAKING ANY PARTICULAR DETERMINATION

11:13:22 16 OF A CHAMPIONSHIP-CALIBER BOXER.

11:13:24 17 BY MR. WOLFSON:

11:13:24 18 Q. IF HE IS MAKING AN ASSUMPTION OR

11:13:27 19 MAKING AN ANALYSIS OF WHO IS A CHAMPIONSHIP-CALIBER

11:13:31 20 BOXER FROM JANUARY 1ST, 2015, THROUGH THE PRESENT,

11:13:34 21 THEN SHOULDN'T YOUR DETERMINATION OF THAT -- OF WHO

11:13:39 22 IS A CHAMPIONSHIP-CALIBER BOXER LINE UP WITH HIS?

11:13:43 23 MR. CESTERO: WELL, OBJECTION. THAT'S

11:13:44 24 VAGUE AND AMBIGUOUS, AND IT MISSTATES THE WITNESS'S

11:13:47 25 TESTIMONY.

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## DEPOSITION OF GENE DEETZ

11:13:48 1 I THINK -- IS YOUR QUESTION ABOUT  
11:13:49 2 EXHIBIT -- THE EXHIBITS 3 AND 4 IN DR. KNEUPER'S  
11:13:51 3 REPORT?  
11:13:52 4 MR. WOLFSON: UH-HUH.  
11:13:53 5 MR. CESTERO: SPECIFICALLY ABOUT THOSE  
11:13:54 6 TWO LISTS?  
11:13:55 7 MR. WOLFSON: YEAH.  
11:13:56 8 MR. CESTERO: AND YOU'RE ASSUMING THAT  
11:13:56 9 THOSE TWO LISTS INCLUDE EVERYBODY FROM JANUARY 1,  
11:14:00 10 2015, THROUGH THE PRESENT WHO HAS QUALIFIED AS A  
11:14:05 11 CHAMPIONSHIP BOXER AT ANY TIME DURING THAT TIME?  
11:14:07 12 THAT'S YOUR ASSUMPTION OF WHAT  
11:14:08 13 EXHIBITS 3 AND 4 ARE REFLECTING?  
11:14:10 14 BY MR. WOLFSON:  
11:14:10 15 Q. WHAT IS YOUR UNDERSTANDING --  
11:14:11 16 A. OKAY.  
11:14:11 17 Q. -- OF DR. KNEUPER'S CRITERIA FOR HOW  
11:14:14 18 HE DETERMINES CHAMPIONSHIP-CALIBER BOXERS?  
11:14:15 19 MR. CESTERO: OBJECTION; ASKED AND  
11:14:16 20 ANSWERED.  
11:14:18 21 THE DEPONENT: YEAH. I -- I -- HE --  
11:14:19 22 IT -- IT HAS TO HAVE A RANKING WITHIN A PARTICULAR  
11:14:22 23 TIME PERIOD; IT HAS TO BE ON TELEVISION; AND IT HAS  
11:14:25 24 TO HAVE U.S.-BASED MANAGER OR PROMOTER.  
11:14:28 25 AND I APPLIED THOSE CRITERIA IN THOSE

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## DEPOSITION OF GENE DEETZ

11:14:30 1 TIME PERIODS, TO THE -- THE -- THE FIGHTERS THAT WERE  
11:14:33 2 IN THE P & L AT THAT PARTICULAR POINT IN TIME.  
11:14:38 3 BY MR. WOLFSON:  
11:14:38 4 Q. OKAY. SO APPLYING DR. -- AND ARE YOU  
11:14:43 5 AWARE THAT DR. KNEUPER'S LOOKED AT THE BOXERS IN  
11:14:48 6 GOLDEN BOY'S P & L, AS WELL? OR DO YOU KNOW WHETHER HE  
11:14:50 7 DID OR NOT?  
11:14:51 8 MR. CESTERO: OBJECTION. IT CALLS FOR  
11:14:53 9 SPECULATION.  
11:14:54 10 THE DEPONENT: YEAH. I DON'T KNOW HOW  
11:14:55 11 HE DETERMINED HIS LIST OF -- OF BOXERS.  
11:14:58 12 BY MR. WOLFSON:  
11:14:58 13 Q. UH-HUH.  
11:14:58 14 A. BUT I APPLIED HIS CRITERIA TO THE LIST  
11:15:02 15 OF BOXERS THAT WERE IN GOLDEN BOY'S P & L.  
11:15:04 16 SO I DON'T KNOW HOW HE DETERMINED THE  
11:15:06 17 LIST THAT HE WAS ANALYZING. BUT MY LIST IS DRIVEN BY  
11:15:10 18 WHO -- WHO'S RESIDENT IN GOLDEN BOY'S P & L.  
11:15:24 19 Q. OKAY. SO LET'S LOOK AT THE FIRST PAGE  
11:15:26 20 OF THE 2015 DETAIL, WHICH IS PAGE 7 OF EXHIBIT 3 --  
11:15:30 21 THE UPDATED EXHIBIT 3.  
11:15:33 22 A. OKAY.  
11:15:37 23 Q. THERE IS A BOXER TOWARDS THE TOP HERE  
11:15:38 24 NAMED JAMES KIRKLAND.  
11:15:40 25 DO YOU SEE HIM?

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## DEPOSITION OF GENE DEETZ

11:15:44 1 A. I SEE THAT.

11:15:45 2 Q. AND IN THE "INCREMENTAL"

11:15:50 3 CHAMPIONSHIP-CALIBER" COLUMN, THERE'S AN "X"; RIGHT?

11:15:52 4 A. I SEE THAT.

11:15:53 5 Q. AND MR. KIRKLAND THEN, FOR THE

11:15:53 6 PURPOSES OF YOUR DAMAGES ANALYSIS, IS CONSIDERED A

11:15:56 7 CHAMPIONSHIP-CALIBER BOXER; RIGHT?

11:15:59 8 MR. CESTERO: IN 2015?

11:16:02 9 BY MR. WOLFSON:

11:16:02 10 Q. IN 2015.

11:16:02 11 A. THAT'S CORRECT.

11:16:02 12 Q. AND THIS IS BASED ON DR. KNEUPER'S

11:16:05 13 CRITERIA?

11:16:05 14 A. THAT'S CORRECT.

11:16:05 15 Q. THE CRITERIA THAT YOU JUST SAID TO ME

11:16:08 16 ON THE RECORD A COUPLE MINUTES AGO?

11:16:10 17 A. MY -- FROM MY RECOLLECTION, YES.

11:16:12 18 Q. OKAY. WOULD IT SURPRISE YOU TO KNOW

11:16:13 19 THAT DR. KNEUPER DOES NOT LIST JAMES KIRKLAND AS A

11:16:19 20 CHAMPIONSHIP-CALIBER BOXER IN EITHER OF HIS EXHIBIT 3

11:16:21 21 OR EXHIBIT 4, WHICH WERE HIS LISTS OF

11:16:28 22 CHAMPIONSHIP-CALIBER BOXERS?

11:16:28 23 A. NO, IT DOESN'T.

11:16:30 24 Q. OKAY. NOW, AS -- AS WE LOOK AT THE

11:16:32 25 OPERATING INCOME THAT MR. KIRKLAND CONTRIBUTED TO

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## DEPOSITION OF GENE DEETZ

11:16:36 1 GOLDEN BOY, IT APPEARS TO BE 213,352 DOLLARS FOR  
11:16:46 2 2015; RIGHT?  
11:16:47 3 A. THAT'S CORRECT.  
11:16:51 4 Q. SO IN EXHIBIT 3 ITSELF, SINCE  
11:16:55 5 MR. KIRKLAND IS NOT LISTED AS UNDER CONTRACT WITH  
11:17:02 6 GOLDEN BOY, THAT 213,352 WENT IN THE FIRST ROW OF THE  
11:17:14 7 2015 METRICS; RIGHT?  
11:17:15 8 A. IT WOULD BE PART OF THE 573,830 --  
11:17:19 9 -883 DOLLARS, YES.  
11:17:20 10 Q. NOW, IF INSTEAD MR. KIRKLAND WAS --  
11:17:24 11 WAS LISTED AS A NON-CHAMPIONSHIP-CALIBER BOXER, THEN  
11:17:33 12 YOU WOULD TAKE THAT 213,000 OUT OF THE FIRST ROW IN  
11:17:37 13 THE 2015 METRIC AND PUT IT -- AND ADD IT INTO THE  
11:17:40 14 SECOND ROW; RIGHT?  
11:17:41 15 A. THAT'S CORRECT. YOUR 573- INCOME  
11:17:43 16 WOULD BE REDUCED AND YOUR LOSS OF 730,070 WOULD BE  
11:17:48 17 REDUCED AS WELL.  
11:17:49 18 Q. OKAY. TO THE BEST OF YOUR KNOWLEDGE,  
11:17:52 19 WHY IS THERE A DIFFERENCE HERE IN HOW YOU ARE  
11:17:59 20 CHARACTERIZING MR. KIRKLAND IN TERMS OF  
11:18:04 21 CHAMPIONSHIP-CALIBER AND DR. KNEUPER IS  
11:18:07 22 CHARACTERIZING HIM AS -- WELL -- OR HE'S NOT  
11:18:08 23 CHARACTERIZING HIM AT ALL?  
11:18:09 24 A. WELL --  
11:18:10 25 MR. CESTERO: OBJECTION; VAGUE AND

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## DEPOSITION OF GENE DEETZ

11:18:11 1 AMBIGUOUS.

11:18:11 2 THE DEPONENT: IT WOULD --

11:18:13 3 MR. CESTERO: IT MISSTATES THE

11:18:14 4 DEPONENT'S TESTIMONY.

11:18:16 5 THE DEPONENT: YEAH. SO I APPLIED --

11:18:17 6 I APPLIED DR. KNEUPER'S CRITERIA TO THE DATA THAT WAS

11:18:20 7 IN GOLDEN BOY'S P & L AT A PARTICULAR POINT IN TIME.

11:18:23 8 BY MR. WOLFSON:

11:18:23 9 Q. UH-HUH.

11:18:24 10 A. AND TO THE EXTENT THAT THAT DOESN'T

11:18:25 11 SHOW UP -- AND I FORGET IF IT'S EXHIBIT 3 OR EXHIBIT

11:18:28 12 4 IN HIS REPORT -- I DON'T HAVE ANY SPECIFIC

11:18:31 13 EXPLANATION, OTHER THAN TO SAY THAT HE -- HE -- HE --

11:18:36 14 THERE MAY BE OTHER REASONS THAT HE HAS THAT IT'S NOT

11:18:39 15 THERE BASED ON THE TIME OF HIS ANALYSIS.

11:18:42 16 AND OTHER THAN THAT, I WOULDN'T KNOW.

11:18:44 17 I DIDN'T -- I DIDN'T CROSS-CHECK THOSE.

11:18:46 18 BY MR. WOLFSON:

11:18:46 19 Q. BECAUSE YOU DID IT YOURSELF?

11:18:47 20 A. I DID IT MYSELF.

11:19:12 21 Q. SO JUST TO BE CLEAR -- PERFECTLY CLEAR

11:19:14 22 HERE: YOU HAVE NOT CROSS-CHECKED YOUR DETERMINATIONS

11:19:15 23 OF WHICH BOXERS ARE CHAMPIONSHIP-CALIBER AGAINST

11:19:17 24 DR. KNEUPER'S DETERMINES OF WHICH BOXERS ARE

11:19:19 25 CHAMPIONSHIP -- CHAMPIONSHIP-CALIBER?

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## DEPOSITION OF GENE DEETZ

11:31:46 1 BY MR. WOLFSON:

11:31:46 2 Q. DOES YOUR DAMAGES MODEL ASSUME  
11:31:50 3 THAT GOLDEN BOY --

11:31:51 4 (THE DEPONENT COUGHED.)

11:31:51 5 THE DEPONENT: EXCUSE ME. I'M  
11:31:52 6 SORRY.

11:31:52 7 BY MR. WOLFSON:

11:31:52 8 Q. IT'S OKAY.

11:31:53 9 DOES YOUR DAMAGES MODEL ASSUME THAT  
11:31:55 10 GOLDEN BOY WAS DAMAGED BY THE HAY- -- HAYMON SPORTS  
11:32:02 11 CONTRACT WITH A.B.C. TO SHOW BOXING PROGRAMMING ON  
11:32:08 12 A.B.C.?

11:32:08 13 MR. CESTERO: OBJECTION. IT'S VAGUE  
11:32:09 14 AND AMBIGUOUS. IT'S AN INCOMPLETE HYPOTHETICAL.

11:32:11 15 THE DEPONENT: AGAIN, IT'S NOT  
11:32:12 16 SPECIFIC TO ANY -- IT COVERS ALL THE NETWORKS THAT  
11:32:15 17 THEY HAD AND REVENUE FROM ALL THE -- AND I'M SAYING  
11:32:18 18 NETWORK, CABLE, AND ALL SOURCES.

11:32:19 19 BY MR. WOLFSON:

11:32:19 20 Q. UN-HUH.

11:32:20 21 A. AND THEN THAT DECLINE.

11:32:28 22 SO -- SO TO THE EXTENT THAT -- THAT  
11:32:28 23 THERE'S ANY PARTICULAR REVENUE OR LACK OF REVENUE  
11:32:30 24 FROM ANY PARTICULAR NETWORK, IT'S CAPTURED IN MY  
11:32:33 25 ANALYSIS.

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## DEPOSITION OF GENE DEETZ

11:32:34 1 Q. NOW, IF DATA, THOUGH, SHOWED THAT --  
11:32:37 2 WELL -- SO YOU'RE NOT PROVIDING ANY OPINION ABOUT  
11:32:39 3 WHICH NETWORKS GOLDEN BOY SHOULD HAVE HAD ACCESS  
11:32:42 4 TO?  
11:32:44 5 MR. CESTERO: OBJECTION. THAT'S VAGUE  
11:32:45 6 AND AMBIGUOUS.  
11:32:46 7 THE DEPONENT: NO, I'M -- I'M NOT.  
11:32:48 8 IT'S FLOWING FROM DR. KNEUPER'S LIABILITY OPINION.  
11:32:52 9 BY MR. WOLFSON:  
11:32:52 10 Q. IT'S ENTIRELY DEPENDANT UPON  
11:32:53 11 DR. KNEUPER; RIGHT?  
11:32:55 12 A. YES.  
11:32:56 13 Q. AND DOES YOUR ANALYSIS -- WELL, STRIKE  
11:33:05 14 THAT.  
11:33:06 15 IF THE DATA SHOWED THAT GOLDEN BOY  
11:33:11 16 PROMOTED PROFITABLE FIGHTS THAT WERE NOT ON BROADCAST  
11:33:14 17 NETWORKS, WOULDN'T THAT IMPLY THAT NETWORK TIME-SLOT  
11:33:19 18 AVAILABILITY IS NOT REQUIRED TO PROMOTE SUCCESSFUL  
11:33:22 19 EVENTS?  
11:33:22 20 MR. CESTERO: OBJECTION. IT'S VAGUE  
11:33:26 21 AND AMBIGUOUS, AND IT'S AN INCOMPLETE HYPOTHETICAL,  
11:33:31 22 AND IT MISSTATES THE DOCUMENT.  
11:33:34 23 BUT GO AHEAD.  
11:33:35 24 THE DEPONENT: OKAY. AGAIN, I -- I  
11:33:36 25 MY -- MY DAMAGES ANALYSIS FLOWS FROM DR. KNEUPER'S

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## DEPOSITION OF GENE DEETZ

12:13:03 1 AND AMBIGUOUS, LACKS --  
12:13:05 2 THE DEPONENT: AND EXCLUDING THE --  
12:13:05 3 MR. CESTERO: -- LACKS FOUNDATION.  
12:13:07 4 GO AHEAD.  
12:13:07 5 DEPOSITION OFFICER: PLEASE HOLD ON.  
12:13:07 6 THE DEPONENT: YEAH. NO. ALL I  
12:13:07 7 CAN -- I EXCLUDED THE INTERNATIONAL REVENUE EXPENSES  
12:13:10 8 AND OPERATING PROFIT OR LOSS.  
12:13:12 9 BY MR. WOLFSON:  
12:13:12 10 Q. DOES THIS INCLUDE FIGHTS THAT WERE  
12:13:14 11 PROMOTED IN MEXICO?  
12:13:15 12 MR. CESTERO: OBJECTION. IT'S VAGUE  
12:13:16 13 AND AMBIGUOUS.  
12:13:16 14 THE DEPONENT: YEAH. I DON'T -- I  
12:13:17 15 DON'T HAVE -- I DON'T HAVE ANY SPECIFIC RECOLLECTION  
12:13:18 16 OF ANY OF THE COUNTRIES OR ANY OF THE FIGHTERS.  
12:13:32 17 BY MR. WOLFSON:  
12:13:32 18 Q. SO GOING BACK TO WHAT "INCOME FROM  
12:13:35 19 BOXING OPERATIONS IS," IT DOES NOT INCLUDE  
12:13:36 20 INTERNATIONAL FIGHTS AND IT DOES NOT INCLUDE  
12:13:37 21 CORPORATE OVERHEAD?  
12:13:37 22 IS THAT WHAT YOU SAID?  
12:13:38 23 A. THAT'S HOW I GENERALLY DESCRIBE IT,  
12:13:41 24 YES.  
12:13:41 25 Q. WHY WAS CORPORATE OVERHEAD EXCLUDED?

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## DEPOSITION OF GENE DEETZ

12:13:43 1 A. BECAUSE ALL OF THE -- ALL OF THE  
12:13:45 2 DIRECT EXPENSES OF THE FIGHT ARE INCLUDED IN THE  
12:13:49 3 FIGHTER -- IN THE FIGHT P & L, THE EVENT P & L, AND THE  
12:13:50 4 FIGHTER-BY-FIGHTER P & L.  
12:13:52 5 AND IT'S A VERY DETAILED CALCULATION.  
12:13:57 6 SO TO THE EXTENT THERE WOULD BE A PARTICULAR PIECE OF  
12:14:00 7 CORPORATE OVERHEAD, I EXCLUDED THAT IN ALL PERIODS.  
12:14:05 8 SO I'M DEALING WITH THE ACTUAL FIGHTER OPERATIONS OF  
12:14:08 9 GOLDEN BOY -- DOMESTIC FIGHTER OPERATIONS OF GOLDEN  
12:14:11 10 BOY.  
12:14:11 11 Q. SO "INCOME FROM BOXING OPERATIONS"  
12:14:13 12 ISN'T THE ACTUAL PROFIT THAT GOLDEN BOY RECEIVED IN  
12:14:18 13 EACH OF THESE YEARS, IS IT?  
12:14:19 14 MR. CESTERO: OBJECTION. THAT'S VAGUE  
12:14:22 15 AND AMBIGUOUS.  
12:14:22 16 THE DEPONENT: THEY HAVE -- IF YOU  
12:14:23 17 LOOK AT THEIR FINANCIAL STATEMENTS OR IF YOU LOOK AT  
12:14:25 18 THE DETAILED WORKBOOKS, THERE IS CORPORATE OVERHEAD  
12:14:32 19 THAT IS -- THAT IS -- THAT WOULD REDUCE THESE NUMBERS  
12:14:36 20 THAT I HAVE EXCLUDED, AND I'M FOCUSING JUST ON THE  
12:14:40 21 FIGHTING OPERATIONS.  
12:14:41 22 BY MR. WOLFSON:  
12:14:41 23 Q. SO INCOME FROM BOXING OPERATIONS IS  
12:14:42 24 NOT NET INCOME, IS IT?  
12:14:45 25 MR. CESTERO: OBJECTION. IT'S VAGUE

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## DEPOSITION OF GENE DEETZ

12:14:46 1 AND AMBIGUOUS.

12:14:49 2 THE DEPONENT: IT'S -- IT'S -- IT'S

12:14:50 3 THE -- IT'S THE NET INCOME -- IT'S THE NET FROM

12:14:52 4 BOXING OPERATIONS, BUT IT WOULD NOT BE NET INCOME IF

12:14:54 5 YOU'RE REFERRING TO A -- A MEASURE THAT WOULD -- THAT

12:14:57 6 WOULD -- FROM THAT THAT WOULD DEDUCT CORPORATE

12:14:59 7 OVERHEAD.

12:14:59 8 BY MR. WOLFSON:

12:14:59 9 Q. SO -- AND WHEN I'M REFERRING TO "NET

12:15:02 10 INCOME," I'M REFERRING TO IT IN THE STATE -- IN THE

12:15:05 11 CONTEXT OF A -- OF A FINANCIAL STATEMENT WHERE THE

12:15:10 12 COMPANY'S NET INCOME IS DEFINED AS THAT.

12:15:16 13 INCOME FROM BOXING OPERATIONS IS NOT

12:15:19 14 NET INCOME AS IT IS DESCRIBED IN GOLDEN BOY'S OWN

12:15:21 15 FINANCIAL STATEMENTS, IS IT?

12:15:23 16 MR. CESTERO: WELL, OBJECTION. THAT'S

12:15:24 17 VAGUE AND AMBIGUOUS.

12:15:31 18 THE DEPONENT: I'D -- I'D HAVE TO

12:15:31 19 LOOK, BUT I BELIEVE YOU'RE CORRECT.

12:15:33 20 I THINK THERE IS A -- THE "NET INCOME"

12:15:35 21 LINE IN THEIR -- CERTAINLY IN THEIR AUDITED FINANCIAL

12:15:37 22 STATEMENTS, THE "NET INCOME" LINE WOULD BE AFTER

12:15:39 23 REDUCING IT FOR CORPORATE OVERHEAD.

12:15:59 24 BY MR. WOLFSON:

12:15:59 25 Q. AND IF GOLDEN BOY'S NET INCOME FOR

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## DEPOSITION OF GENE DEETZ

12:16:03 1 2015 INCLUDED THE 14 MILLION DOLLARS IN PAYMENTS IT  
12:16:08 2 RECEIVED FROM THE HAYMON ENTITIES, IS THERE ANY  
12:16:13 3 REASON THAT YOU DID NOT INCLUDE THAT IN YOUR  
12:16:16 4 ANALYSIS?

12:16:16 5 MR. CESTERO: OBJECTION. IT'S VAGUE  
12:16:17 6 AND AMBIGUOUS, LACKS FOUNDATION, CALLS FOR  
12:16:22 7 SPECULATION, MISSTATES THE RECORD, AND ASSUMES FACTS  
12:16:24 8 NOT IN EVIDENCE.

12:16:31 9 THE DEPONENT: SO THE -- THE REASON --  
12:16:32 10 AND I PUT IN PARAGRAPH 49 THE REASONS WHY I DIDN'T  
12:16:35 11 INCLUDE THE 14 MILLION THAT GOLDEN BOY RECEIVED IN MY  
12:16:38 12 ANALYSIS.

12:16:39 13 BY MR. WOLFSON:

12:16:39 14 Q. UH-HUH. AND IS IT CORRECT, THEN, THAT  
12:16:43 15 YOUR DAMAGES ANALYSIS DOES NOT REDUCE YOUR DAMAGES  
12:16:48 16 CONCLUSIONS IN ANY WAY BY THE 14 MILLION DOLLARS THAT  
12:16:52 17 GOLDEN BOY RECEIVED IN JANUARY AND MARCH 2015 FOR THE  
12:17:02 18 TERMINATION OF CERTAIN EXCLUSIVE PROMOTIONAL RIGHTS  
12:17:05 19 TO THOSE 22 TO 23 HAYMON BOXERS?

12:17:10 20 MR. CESTERO: OBJECTION. IT MISSTATES  
12:17:15 21 THE WITNESS'S TESTIMONY. IT MISSTATES THE DOCUMENT.  
12:17:15 22 IT MISSTATES THE RECORD.

12:17:17 23 GO AHEAD.

12:17:17 24 THE DEPONENT: IT DOESN'T INCLUDE THE  
12:17:18 25 14 MILLION.

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## DEPOSITION OF GENE DEETZ

12:17:20 1 BY MR. WOLFSON:

12:17:20 2 Q. IT DOESN'T REDUCE IT IN ANY WAY BASED

12:17:22 3 ON THE 14 MILLION?

12:17:24 4 A. IT DOES NOT.

12:17:25 5 Q. AND YOUR INCOME FROM BOXING OPERATIONS

12:17:27 6 DOES NOT IN ANY WAY REFLECT A REDUCTION BASED ON THE

12:17:31 7 14-MILLION-DOLLAR PAYMENTS; RIGHT?

12:17:32 8 MR. CESTERO: WELL, OBJECT.

12:17:33 9 CAN YOU READ THAT --

12:17:33 10 MR. WOLFSON: ACTUALLY, LET ME STRIKE

12:17:35 11 THAT.

12:17:35 12 MR. CESTERO: OKAY.

12:17:36 13 BY MR. WOLFSON:

12:17:36 14 Q. YOUR -- YOUR 2015 INCOME FROM BOXING

12:17:39 15 OPERATIONS DOES NOT REFLECT ANY INCREASES BASED ON

12:17:42 16 THE 14 MILLION DOLLARS THAT THEY RECEIVED FROM THE

12:17:47 17 HAYMON SPORTS ENTITY; RIGHT?

12:17:48 18 MR. CESTERO: OBJECTION. IT'S VAGUE

12:17:49 19 AND AMBIGUOUS. IT MISSTATES THE WITNESS'S TESTIMONY,

12:17:51 20 MISSTATES THE DOCUMENTS.

12:17:53 21 GO AHEAD.

12:17:53 22 THE DEPONENT: YEAH. THE -- THE --

12:17:55 23 IT'S NOT CONSIDERED AND IT'S NOT INCLUDED IN THE

12:17:57 24 CALCULATION.

12:18:06 25 / / /

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## DEPOSITION OF GENE DEETZ

14:39:14 1 DAMAGES THAT GOLDEN BOY HAS ALREADY INCURRED?

14:39:16 2 A. THAT'S CORRECT.

14:39:19 3 Q. AND THEN IF YOU GO TO THE NEXT COLUMN,

14:39:20 4 IT SAYS "DECEMBER 31ST, 2016"?

14:39:22 5 A. THAT'S CORRECT.

14:39:23 6 Q. AND SO THOSE ARE THE DAMAGES FROM

14:39:25 7 JUNE 30TH THROUGH -- OR JUNE -- JULY 1ST -- STRIKE

14:39:29 8 THAT QUESTION.

14:39:30 9 SO THOSE DAMAGES ARE YOUR ESTIMATES

14:39:31 10 FOR JULY 1ST THROUGH DECEMBER 31ST, 2016?

14:39:35 11 A. THAT'S CORRECT.

14:39:37 12 Q. AND THEN THE NEXT COLUMN IS 2017?

14:39:40 13 A. THAT'S CORRECT.

14:39:40 14 Q. AND SO THOSE ARE YOUR ESTIMATES FOR

14:39:43 15 DAMAGES IN 2017?

14:39:44 16 A. THAT'S CORRECT.

14:39:44 17 Q. AND THEN THE NEXT COLUMN IS 2018?

14:39:48 18 A. THAT'S CORRECT.

14:39:49 19 Q. AND THAT IS YOUR DAMAGE ESTIMATES FOR

14:39:50 20 THE YEAR 2018?

14:39:52 21 A. THAT'S CORRECT.

14:39:52 22 Q. AND THEN THE FINAL IS "FUTURE"

14:39:54 23 PERIODS"?

14:39:55 24 A. THAT'S CORRECT.

14:39:55 25 Q. AND YOUR DAMAGES ESTIMATE THERE IS FOR

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## DEPOSITION OF GENE DEETZ

14:39:58 1 FUTURE PERIODS OF UNSPECIFIED YEARS?

14:40:01 2 A. RIGHT.

14:40:05 3 Q. OKAY. THE NEXT COLUMN, THEN, IS THE  
14:40:07 4 RAW NUMBERS AS YOU ADD UP EACH OF THE PRECEDING  
14:40:11 5 COLUMNS; IS THAT RIGHT?

14:40:12 6 A. THAT'S RIGHT. IN -- IN ASCENDING  
14:40:13 7 ORDER FROM -- FROM THE -- THE 2016 PERIOD, THEN 2017  
14:40:19 8 PERIOD ADDED, THEN THE 2018 PERIOD, AND THEN THE  
14:40:24 9 EXTENDED PERIOD.

14:40:26 10 Q. OKAY. GOT IT.

14:40:27 11 AND THEN THE NEXT COLUMN IS:

14:40:29 12 "DAMAGES ADJUSTED FOR DISCOUNTING  
14:40:30 13 AND FORECAST INDUSTRY GROWTH"?

14:40:33 14 A. THAT'S CORRECT.

14:40:33 15 Q. SO WHAT -- WHAT IS THAT COLUMN  
14:40:35 16 SHOWING?

14:40:35 17 A. WELL, THAT TAKES INTO ACCOUNT THAT  
14:40:42 18 EVEN THOUGH MY REPORTS AT SEPTEMBER 16TH, IT TAKES  
14:40:45 19 INTO ACCOUNT AS IF JUNE 30TH.

14:40:47 20 SO THERE'S TWO THINGS THAT HAPPENED  
14:40:47 21 THERE. ONE IS THAT I'M CONVERTING THOSE TO A  
14:40:51 22 JUNE 30TH DATE.

14:40:52 23 Q. UH-HUH.

14:40:52 24 A. AND THEN I'M ALSO ADJUSTING THEM FOR  
14:40:54 25 INDUSTRY GROWTH OR INDUSTRY DECLINE FROM THE

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## DEPOSITION OF GENE DEETZ

15:44:43 1 UNDERSTANDING ONE WAY OR ANOTHER, OTHER THAN WHAT'S  
15:44:45 2 LISTED HERE.

15:44:46 3 BY MR. WOLFSON:

15:44:46 4 Q. OKAY. AND IN APPENDIX 4, WHEN YOU

15:44:47 5 REFER TO "BROADCASTING NETWORKS" AS "FOX" --

15:44:49 6 DO YOU SEE THAT?

15:44:49 7 A. YES.

15:44:50 8 Q. -- THAT WOULD BE YOUR UNDERSTANDING OF

15:44:51 9 WHICH ENTITY THAT HAYMON BROAD -- OR HAYMON HAD A

15:44:55 10 CONTRACT WITH?

15:44:56 11 MR. CESTERO: OBJECTION. THAT'S VAGUE

15:44:57 12 AND AMBIGUOUS.

15:44:58 13 THE DEPONENT: YEAH. WITHIN THE --

15:44:59 14 WITHIN WHAT MAY BE THE GLOBAL FOX ENTITIES, I DON'T

15:45:03 15 HAVE ANY SPECIFIC UNDERSTANDING.

15:45:04 16 BY MR. WOLFSON:

15:45:04 17 Q. OKAY. DO YOU KNOW WHETHER THE

15:45:06 18 CONTRACT THAT HAYMON HAD WITH A FOX ENTITY WAS

15:45:11 19 WITH -- WELL, STRIKE THAT.

15:45:12 20 DO YOU KNOW WHETHER HAYMON HAD A

15:45:13 21 CONTRACT WITH A DIFFERENT FOX ENTITY THAN GOLDEN BOY

15:45:17 22 DID?

15:45:18 23 A. I -- I DON'T KNOW.

15:45:26 24 Q. OKAY. DO YOU KNOW WHETHER HAYMON'S

15:45:27 25 CONTRACT WITH FOX PRECLUDED GOLDEN BOY FROM

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## DEPOSITION OF GENE DEETZ

15:45:32 1 CONTINUING ITS CONTRACTS WITH FOX SPORTS EN  
15:45:34 2 ESPANOL?  
15:45:41 3 MR. CESTERO: OBJECTION. IT CALLS FOR  
15:45:42 4 A LEGAL CONCLUSION.  
15:45:42 5 THE DEPONENT: YEAH. I -- I --  
15:45:42 6 MR. CESTERO: GO AHEAD.  
15:45:42 7 THE DEPONENT: I DON'T -- I DON'T  
15:45:44 8 KNOW.  
15:45:46 9 BY MR. WOLFSON:  
15:45:46 10 Q. OKAY.  
15:45:46 11 A. I DON'T KNOW IF IT EXCLUDES THAT OR  
15:45:46 12 NOT.  
15:45:46 13 Q. DID YOU ASK ANYONE AT GOLDEN BOY THEIR  
15:45:48 14 UNDERSTANDING OF THAT ISSUE?  
15:45:50 15 A. I DON'T RECALL DOING THAT, NO.  
15:46:06 16 Q. NOW, IS YOUR DAMAGES MODEL ABLE TO  
15:46:09 17 ASSESS WHETHER GOLDEN BOY WAS PRECLUDED FROM  
15:46:15 18 PROMOTING SPECIFIC FIGHTS ON ANY OF THE NETWORKS  
15:46:19 19 LISTED IN PARAGRAPH 33?  
15:46:21 20 MR. CESTERO: OBJECTION. IT'S VAGUE  
15:46:22 21 AND AMBIGUOUS.  
15:46:30 22 THE DEPONENT: THE DAMAGES MODEL DEALS  
15:46:32 23 WITH THE RECORDS THAT ARE IN THE GOLDEN BOY FINANCIAL  
15:46:37 24 INFORMATION FOR BOXING OPERATIONS, THE L.L.C. OR THE  
15:46:40 25 INC., THAT WE'VE -- WE'VE DISCUSSED ABOUT.

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## DEPOSITION OF GENE DEETZ

15:46:42 1 SO THE MODEL DEALS WITH WHAT'S THERE  
15:46:44 2 AND WHAT'S BEEN RECORDED FOR REVENUE AND INCOME FROM  
15:46:49 3 BOXING OPERATIONS.  
15:46:50 4 AND SO THAT WOULD BE THE BASIS ON THE  
15:46:51 5 DAMAGE CALCULATIONS, ON WHAT'S IN THERE.  
15:46:54 6 SO I THINK THE QUESTION INCLUDED THE  
15:46:55 7 WORD "PRECLUDED." AND SO IT DOESN'T -- IT DOESN'T --  
15:47:00 8 IT DOESN'T CALCULATE -- MAKE THE CALCULATION BASED ON  
15:47:04 9 ANYTHING OTHER THAN WHAT'S ACTUALLY IN THE RECORDS OF  
15:47:06 10 THE COMPANY.

15:47:15 11 BY MR. WOLFSON:

15:47:15 12 Q. ARE YOU AWARE -- YOU SAID THAT YOU'VE  
15:47:16 13 REVIEWED THE TOP RANK SETTLEMENT WITH THE HAYMON  
15:47:19 14 ENTITIES?

15:47:19 15 A. I'VE READ IT, YES.

15:47:19 16 Q. AND YOU'VE READ THE -- THE CLAUSE IN  
15:47:22 17 THAT SETTLEMENT THAT SAYS HAYMON WILL REMOVE ITS  
15:47:24 18 EXCLUSIVITY PROVISIONS WITH -- IN ITS NETWORK  
15:47:27 19 CONTRACTS?

15:47:27 20 MR. CESTERO: I'LL OBJECT. THE  
15:47:28 21 DOCUMENT SPEAKS FOR ITSELF, AND THAT MISSTATES THE  
15:47:31 22 RECORD.

15:47:32 23 GO AHEAD.

15:47:33 24 THE DEPONENT: I -- I -- I -- I'VE  
15:47:35 25 READ THE DOCUMENT, AND I HAVE A GENERAL RECOLLECTION

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## DEPOSITION OF GENE DEETZ

15:50:26 1 SIR?

15:50:28 2 THE DEPONENT: CAN I HAVE IT BACK,  
15:50:30 3 PLEASE, RICHARD?

15:50:30 4 MR. CESTERO: YES.

15:50:31 5 (DOCUMENT HANDED TO THE DEPONENT.)

15:50:31 6 THE DEPONENT: EXCUSE ME.

15:50:31 7 THE DIFFERENCE BETWEEN SCENARIO 3 AND  
15:50:34 8 SCENARIO 4 IS THAT THE DAMAGES EXTEND BEYOND 2018.

15:50:38 9 BY MR. KUMAR:

15:50:38 10 Q. AND WHAT IS THE BASIS FOR YOUR

15:50:40 11 ASSUMPTION THAT THE DAMAGES CAN EXTEND PAST 2018 IN  
15:50:43 12 SCENARIO 4?

15:50:45 13 MR. CESTERO: OBJECTION. THE DOCUMENT

15:50:46 14 SPEAKS FOR ITSELF.

15:50:46 15 MR. WOLFSON: IT DOESN'T.

15:50:47 16 BY MR. WOLFSON:

15:50:47 17 Q. GO AHEAD.

15:50:48 18 A. OKAY. GIVE ME JUST A SECOND,

15:50:49 19 PLEASE.

15:50:49 20 Q. UH-HUH.

15:50:49 21 MR. CESTERO: IT DOES.

15:50:50 22 MR. WOLFSON: WELL, HE'S CONTRADICTING

15:50:52 23 WHAT IT SAYS, SO LET'S GO.

15:50:54 24 MR. CESTERO: THAT'S OKAY.

15:51:06 25 THE DEPONENT: SO IN -- AND I'M JUST

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## DEPOSITION OF GENE DEETZ

15:51:07 1 GOING TO READ THIS, AND THEN I'LL -- I THINK THAT'S  
15:51:08 2 THE ANSWER, BUT:  
15:51:11 3 "SCENARIO 4 COMBINES ALL  
15:51:11 4 OF THE EFFECTS SUMMARIZED IN  
15:51:14 5 SCENARIOS 2 AND 3, BUT ALSO  
15:51:16 6 CONSIDERS THE POSSIBILITY THAT  
15:51:18 7 EITHER HAYMON DOES NOT CEASE  
15:51:19 8 HIS ANTICOMPETITIVE CONDUCT, OR  
15:51:21 9 THERE IS A PERMANENT CHANGE IN  
15:51:23 10 GOLDEN BOY'S RELATIONSHIP WITH  
15:51:27 11 THE MAJOR T.V. NETWORKS; ALL  
15:51:31 12 BUT H.B.O. CONTINUE NOT TO PAY  
15:51:33 13 LICENSING FEES; AND THAT THE  
15:51:34 14 COST STRUCTURE IN THE AMOUNTS  
15:51:35 15 PAID TO BOXERS REMAINS AT AN  
15:51:38 16 INCREMENTAL LEVEL, AN INCREASED  
15:51:40 17 LEVEL; AND EVEN WITH GOLDEN  
15:51:42 18 BOY'S BEST EFFORTS IN OTHER  
15:51:44 19 AVAILABLE AREAS TO MAKE  
15:51:46 20 ADDITIONAL PROFIT, THEY DO NOT  
15:51:48 21 RETURN TO A NORMAL LEVEL OF  
15:51:50 22 PROFITABILITY."  
15:51:53 23 "THIS DAMAGE CALCULATION  
15:51:56 24 CONSIDERS THE DAMAGE TO GOLDEN  
15:51:57 25 BOY TO BE PERMANENT IN NATURE."

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## DEPOSITION OF GENE DEETZ

15:52:00 1 BY MR. WOLFSON:

15:52:00 2 Q. DO YOU KNOW THAT SPIKE IS CURRENTLY

15:52:02 3 PAYING LICENSE FEES?

15:52:07 4 DO YOU KNOW THAT?

15:52:07 5 A. I DON'T HAVE A SPECIFIC RECOLLECTION

15:52:09 6 ONE WAY OR THE OTHER.

15:52:10 7 Q. DO YOU KNOW THAT SHOWTIME CURRENTLY

15:52:12 8 PAYS LICENSE FEES?

15:52:14 9 A. I -- I -- I DON'T HAVE A SPECIFIC

15:52:17 10 RECOLLECTION ONE WAY OR THE OTHER.

15:52:18 11 Q. OKAY. WOULD THOSE FACTS CHANGE YOUR

15:52:20 12 DAMAGES NUMBERS HERE?

15:52:23 13 A. THEY WOULDN'T.

15:52:23 14 Q. NOT AT ALL?

15:52:23 15 A. NOT AT ALL.

15:52:24 16 Q. OKAY. SO YOU'RE SAYING -- OKAY.

15:52:31 17 EVEN THOUGH ONE OF THE ASSUMPTIONS

15:52:31 18 HERE FOR THIS PERMANENT CHANGE IS THAT ALL NETWORKS

15:52:35 19 BUT H.B.O. CONTINUE NOT TO PAY LICENSING FEES?

15:52:39 20 A. THE -- THE REASON I SAY THAT -- AND I

15:52:41 21 TIE IT BACK TO -- TO THE DR. KNEUPER -- IS THAT THIS

15:52:47 22 SAYS THAT IF THERE IS A PERMANENT CHANGE IN THE

15:52:50 23 STRUCTURE THAT GOLDEN BOY HAS TO OPERATE IN -- A

15:52:53 24 PERMANENT CHANGE, WHICH MAY OR MAY NOT BE THE CASE.

15:52:55 25 BUT IF -- IF THERE IS A PERMANENT

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## DEPOSITION OF GENE DEETZ

16:09:14 1 MAYBE NONE OF THEM -- CHANGE THEIR RELATIONSHIP;  
16:09:18 2 DON'T CHANGE THEIR RELATIONSHIP.

16:09:21 3 ALL THAT'S GOING TO HAVE AN IMPACT,  
16:09:21 4 BOTH ECONOMICALLY AND UNDER THE LAW -- WHICH I'M  
16:09:23 5 DEFINITELY NOT OPINING ON.

16:09:26 6 BUT AT THE END OF THE DAY -- AND YOU  
16:09:26 7 MIGHT HAVE A DIFFERENT PERMANENT RELATIONSHIP WITH  
16:09:28 8 HOW YOU HAVE TO CONTRACT WITH YOUR BOXERS -- ALL OF  
16:09:32 9 THAT GOES INTO THE FACT THAT THERE COULD BE ONE OR  
16:09:37 10 ALL OF THOSE COMPONENTS THAT RESIDES PERMANENTLY AS A  
16:09:40 11 RESULT OF HAYMON'S ACTION.

16:09:49 12 AND MAYBE -- MAYBE IT GOES AWAY  
16:09:49 13 QUICKLY, LIKE I HAVE IN SCENARIO 1 AND SCENARIO 2.  
16:09:50 14 AND MAYBE THERE'S A RESIDUE THAT THAT'S EMBEDDED  
16:09:50 15 IN -- IN GOLDEN BOY FOR A LONGER PERIOD OF TIME.  
16:09:52 16 SO IT'S -- IT'S -- IT'S ALL OF THOSE  
16:09:53 17 TOGETHER.

16:09:54 18 Q. AND YOUR DAMAGES ANALYSIS DOES NOT  
16:09:56 19 BREAK OUT THE COMPONENTS THAT ARE ATTRIBUTABLE TO  
16:10:00 20 EACH OF THOSE ASPECTS OF THIS ALTERNATIVE?

16:10:05 21 MR. CESTERO: OBJECTION; VAGUE AND  
16:10:06 22 AMBIGUOUS.

16:10:06 23 THE DEPONENT: YEAH. IT SAYS THAT IT  
16:10:07 24 COULD COME FROM ALL OF THOSE OR SOME SUBSET OF  
16:10:11 25 THOSE.

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## DEPOSITION OF GENE DEETZ

16:10:12 1 BY MR. WOLFSON:

16:10:12 2 Q. HOW DOES IT BREAK OUT?

16:10:15 3 SO WHAT IF T.V. NETWORKS GO BACK TO

16:10:18 4 PAYING LICENSING FEES, DOES YOUR DAMAGES ANALYSIS IN

16:10:21 5 SCENARIO 4 TAKE INTO ACCOUNT THAT?

16:10:23 6 MR. CESTERO: OBJECTION; VAGUE AND

16:10:24 7 AMBIGUOUS, INCOMPLETE HYPOTHETICAL.

16:10:25 8 THE DEPONENT: THE ASSUMPTION IN THIS

16:10:30 9 ANALYSIS IS DRIVEN FROM THE DAMAGES THAT ARE -- THAT

16:10:31 10 ARE IN THE YEARS THAT WE HAVE AND CARRIES US INTO THE

16:10:34 11 FUTURE.

16:10:35 12 AND THE ASSUMPTION IS THAT THE -- THE

16:10:39 13 TOTAL MIX OF -- OF -- OF THESE PARTICULAR FACTORS

16:10:41 14 RESULT IN THESE DAMAGES.

16:10:45 15 Q. AND ONE OF THOSE FACTORS IS THAT ALL

16:10:47 16 BUT H.B.O. CONTINUE TO NOT PAY LICENSE FEES; RIGHT?

16:10:54 17 A. I -- THAT'S WHAT IT SAYS HERE, YES.

16:10:55 18 Q. OKAY. AND DOES YOUR DAMAGES ANALYSIS

16:10:58 19 BREAK OUT OR ACCOUNT FOR WHAT HAPPENS IF SOME

16:11:00 20 NETWORKS DO START GOING BACK TO PAYING LICENSING

16:11:03 21 FEES?

16:11:03 22 A. IT -- IT -- AND THAT ASSUMPTION IS

16:11:04 23 THAT THE COUNTER-BALANCING EFFECT OF ALL THESE

16:11:07 24 RESULTS IN THE DAMAGES THAT I'VE -- I'VE LISTED

16:11:08 25 HERE.

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## DEPOSITION OF GENE DEETZ

16:11:09 1 Q. OKAY. SO ALL OF THESE ARE NECESSARY  
16:11:10 2 FACTORS IN ORDER TO GET TO THE NUMBERS LISTED AT THE  
16:11:15 3 END OF SCENARIO 4?  
16:11:16 4 MR. CESTERO: OBJECTION; VAGUE AND  
16:11:16 5 AMBIGUOUS, MISSTATES THE WITNESS'S TESTIMONY.  
16:11:19 6 THE DEPONENT: NO, I -- NO. THE --  
16:11:20 7 THE -- THAT INTERACTION OF ALL THEM, IT RESULTS IN  
16:11:23 8 THESE AMOUNTS.  
16:11:23 9 BY MR. WOLFSON:  
16:11:23 10 Q. SO IF -- IF SHOWTIME, FOX, AND N.B.C.  
16:11:30 11 ARE WILLING TO PAY A LICENSING FEES FOR GOLDEN  
16:11:35 12 BOY-PROMOTED FIGHTS, BUT GOLDEN BOY HAS TO PAY  
16:11:40 13 INCREASED AMOUNTS TO BOXERS DUE TO THE HAYMON  
16:11:46 14 DEFENDANTS' ACTIVITIES, HOW DOES THIS DAMAGES  
16:11:48 15 ANALYSIS ACCOUNT FOR THAT SITUATION?  
16:11:51 16 MR. CESTERO: OBJECTION. IT'S VAGUE  
16:11:52 17 AND AMBIGUOUS, AND IT'S --  
16:11:52 18 THE DEPONENT: IN -- IN --  
16:11:54 19 MR. CESTERO: -- AN INCOMPLETE  
16:11:54 20 HYPOTHETICAL.  
16:11:54 21 GO AHEAD.  
16:11:55 22 THE DEPONENT: ALL RIGHT. IN THIS  
16:11:56 23 ANALYSIS, IT ASSUMED THAT THE NET RESULT OF THAT IS  
16:11:59 24 THESE DAMAGES.  
16:12:00 25 / / /

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## DEPOSITION OF GENE DEETZ

16:12:00 1 BY MR. WOLFSON:

16:12:00 2 Q. NO MATTER WHAT THE ACTUAL FACTS END UP

16:12:03 3 BEING WITHIN THESE VARIOUS DIFFERENT FACTORS?

16:12:05 4 MR. CESTERO: OBJECTION; VAGUE AND

16:12:06 5 AMBIGUOUS.

16:12:06 6 THE DEPONENT: THAT'S CORRECT. IT --

16:12:07 7 IT -- IT IMPLIES -- IT -- THE -- THE ASSUMPTION IS

16:12:09 8 THAT THE END RESULT OF A PERMANENT CHANGE IS MEASURED

16:12:13 9 BY THIS -- THESE AMOUNTS.

16:12:18 10 BY MR. WOLFSON:

16:12:18 11 Q. ARE YOU OPINING THAT THERE HAS BEEN

16:12:19 12 ANY PERMANENT CHANGE?

16:12:26 13 A. NO.

16:12:27 14 I'M OPINING THAT I DON'T KNOW IF THERE

16:12:29 15 HAS BEEN OR HASN'T. AND I PROVIDED A RANGE OF

16:12:32 16 DAMAGES STARTING WITH JUNE 30TH OF '16 -- WHICH IS IN

16:12:35 17 OUR REAR-VIEW MIRROR -- THROUGH ONE THAT'S MORE

16:12:38 18 PERMANENT IN NATURE. AND I DID MY BEST TO DESCRIBE

16:12:40 19 WHAT THAT MIGHT LOOK LIKE.

16:13:21 20 Q. IS YOUR DAMAGES ANALYSIS ABLE TO BREAK

16:13:23 21 OUT THE HARM TO GOLDEN BOY FROM ITS INABILITY TO

16:13:33 22 OBTAIN NETWORK TIMESLOT AVAILABILITY --

16:13:33 23 DEPOSITION OFFICER: ONE MORE TIME. I

16:13:33 24 COULDN'T HEAR YOU.

16:13:33 25 / / /

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## DEPOSITION OF GENE DEETZ

16:13:33 1 BY MR. WOLFSON:

16:13:33 2 Q. IS YOUR DAMAGES ANALYSIS ABLE TO BREAK

16:13:36 3 OUT THE HARM GOLDEN BOY SUFFERED FROM ITS INABILITY

16:13:39 4 TO GET NETWORK TIMESLOT AVAILABILITY VERSUS ITS

16:13:43 5 INABILITY TO PROMOTE CHAMPIONSHIP-CALIBER BOXERS?

16:13:48 6 MR. CESTERO: OBJECTION. IT'S VAGUE

16:13:49 7 AND AMBIGUOUS. IT'S INCOMPLETE HYPOTHETICAL.

16:13:54 8 THE DEPONENT: THE -- THE DAMAGE

16:13:55 9 ANALYSIS LOOKS AT THE TOTAL SOURCES OF REVENUE AND

16:13:58 10 EXPENSE IN THE -- IN THE '14 BASE YEAR COMPARED TO

16:14:02 11 '15 AND '16.

16:14:03 12 SO THAT WOULD BE A COMPONENT PART OF

16:14:06 13 ALL OF THE ACTUAL INCOME AND EXPENSES IN '14 MEASURED

16:14:10 14 AGAINST '15 AND '16.

16:14:12 15 BY MR. WOLFSON:

16:14:12 16 Q. SO THE ANSWER'S "NO"?

16:14:13 17 MR. CESTERO: OBJECTION; MISSTATES THE

16:14:15 18 WITNESS'S TESTIMONY, AND IT'S ARGUMENTATIVE.

16:14:26 19 THE DEPONENT: IT -- IT INCORPORATES

16:14:27 20 EVERYTHING. SO TO -- IN THAT -- THAT EXTENT, IF

16:14:29 21 IT'S -- IF IT'S AN ITEM OF REVENUE OR EXPENSE, I'VE

16:14:32 22 CAPTURED IT.

16:14:33 23 BUT I HAVEN'T LISTED OR ATTEMPTED TO

16:14:35 24 LIST ANY PARTICULAR INDIVIDUAL ITEM AND COMPARE IT TO

16:14:38 25 ANY OTHER INDIVIDUAL ITEM.

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## DEPOSITION OF GENE DEETZ

16:14:40 1 BY MR. WOLFSON:

16:14:40 2 Q. SO MY QUESTION IS: IF THE -- SO, FOR

16:14:43 3 EXAMPLE, IF THERE HAS BEEN NO EXCLUSIVITY ON NETWORKS

16:14:51 4 FOR BOXING PROGRAMMING SINCE MAY 2016, IS YOUR

16:14:59 5 DAMAGES ANALYSIS ABLE TO ACCOUNT FOR THAT FACT?

16:15:02 6 MR. CESTERO: OBJECTION. INCOMPLETE

16:15:04 7 HYPOTHETICAL, ASSUMES FACTS.

16:15:07 8 THE DEPONENT: IT -- IT -- IT WOULD

16:15:09 9 TAKE YOU -- TWO THINGS.

16:15:12 10 THIS DAMAGES ANALYSIS FOCUSES ON

16:15:13 11 KNEUPER'S DAMAGE THEORY, WHICH HAS ALL OF THE

16:15:16 12 COMPONENTS OF THE ANTICOMPETITIVE BEHAVIOR IN IT.

16:15:20 13 AND THAT -- THAT HYPOTHETICAL WOULD

16:15:21 14 REQUIRE ALL OF THE ELEMENTS OF INCOME AND EXPENSE,

16:15:25 15 AND ALL OF THE DYNAMICS THAT MIGHT GO INTO HOW IT

16:15:28 16 WOULD IMPACT OTHER AREAS OF BOXING OPERATIONS.

16:15:31 17 SO I WOULDN'T HAVE AN OPINION ON

16:15:32 18 THAT.

16:15:32 19 BY MR. WOLFSON:

16:15:32 20 Q. OKAY. SO -- BUT MY QUESTION IS, SIR,

16:15:35 21 THAT YOUR DAMAGES ANALYSIS IS NOT ABLE TO ACCOUNT FOR

16:15:40 22 THE WORLD AS IT IS IF THE FACTS ARE THAT THERE WAS NO

16:15:44 23 NETWORK EXCLUSIVITY AS OF MAY 2016?

16:15:53 24 MR. CESTERO: OBJECTION; VAGUE AND

16:15:53 25 AMBIGUOUS, MISSTATES THE FACTS.

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## DEPOSITION OF GENE DEETZ

16:15:55 1 THE DEPONENT: AND I APOLOGIZE.

16:15:56 2 COULD YOU READ IT BACK REAL QUICK.

16:15:32 3 (THE RECORD WAS READ AS FOLLOWS:

16:15:32 4 Q. OKAY. SO -- BUT MY QUESTION

16:15:34 5 IS, SIR, THAT YOUR DAMAGES

16:15:36 6 ANALYSIS IS NOT ABLE TO ACCOUNT

16:15:38 7 FOR THE WORLD AS IT IS IF THE FACTS

16:15:42 8 ARE THAT THERE WAS NO NETWORK

16:15:44 9 EXCLUSIVITY AS OF MAY 2016?)

16:16:27 10 THE DEPONENT: ONE MORE TIME.

16:15:32 11 (THE RECORD WAS READ AS FOLLOWS:

16:15:32 12 Q. OKAY. SO -- BUT MY QUESTION

16:15:34 13 IS, SIR, THAT YOUR DAMAGES

16:15:36 14 ANALYSIS IS NOT ABLE TO ACCOUNT

16:15:38 15 FOR THE WORLD AS IT IS IF THE FACTS

16:15:42 16 ARE THAT THERE WAS NO NETWORK

16:15:44 17 EXCLUSIVITY AS OF MAY 2016?)

16:16:28 18 THE DEPONENT: I'M SORRY. THE WORLD

16:16:29 19 AS IT IS? THAT'S WHAT I WAS STRUGGLING WITH.

16:16:32 20 I APOLOGIZE.

16:16:32 21 I HAVE THE ACTUAL RESULTS FOR '14,

16:16:33 22 '15, '16.

16:16:34 23 BY MR. WOLFSON:

16:16:34 24 Q. UH-HUH.

16:16:34 25 A. SO THE WORLD -- THAT'S THE WORLD AS IT

## DEPOSITION OF GENE DEETZ

16:16:37 1 IS.

16:16:37 2 Q. AND IF -- BUT IN UNDERPINNING YOUR  
16:16:41 3 OPINING THAT GOLDEN BOY HAS BEEN DAMAGED IS THAT  
16:16:45 4 THERE WERE EXCLUSIVE NETWORK CONTRACTS THAT PREVENTED  
16:16:48 5 IT FROM OBTAINING NETWORK TIMESLOT AVAILABILITY?

16:16:56 6 MR. CESTERO: OBJECTION; MISSTATES THE  
16:16:56 7 WITNESS'S TESTIMONY, ASKED AND ANSWERED.

16:16:57 8 THE DEPONENT: IT -- IT -- IT'S DRIVEN  
16:16:58 9 BY KNEUPER'S OPINION ON LIABILITY.

16:17:00 10 BY MR. WOLFSON:

16:17:00 11 Q. AND IF KNEUPER'S OPINION IS THAT THE  
16:17:03 12 EXCLUSIVE NETWORK CONTRACTS CAUSED GOLDEN BOY DAMAGE  
16:17:08 13 AND THE FACT IS INCORRECT, THEN YOUR DAMAGES ANALYSIS  
16:17:13 14 CANNOT ACCOUNT FOR THAT INCORRECTNESS?

16:17:22 15 MR. CESTERO: ARE YOU GOING TO  
16:17:23 16 WITHDRAW THAT ONE OR ARE YOU --

16:17:24 17 MR. WOLFSON: LET ME -- LET ME PULL  
16:17:24 18 THAT BACK.

16:17:24 19 MR. CESTERO: I WISH WE HAD YOU ON  
16:17:25 20 CAMERA ON THAT ONE.

16:17:27 21 MR. WOLFSON: WEBSTER'S MIGHT -- MIGHT  
16:17:29 22 BLUSH AT THAT ONE.

16:17:31 23 BY MR. WOLFSON:

16:17:31 24 Q. THE -- IF DR. KNEUPER'S WRONG THAT  
16:17:36 25 THERE WAS DAMAGE TO GOLDEN BOY DUE TO EXCLUSIVE

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## DEPOSITION OF GENE DEETZ

16:17:39 1 CONTRACTS BECAUSE THERE WERE NO EXCLUSIVE CONTRACTS  
16:17:41 2 AFTER MAY 2016, IS IT ALSO CORRECT THAT YOUR DAMAGE  
16:17:49 3 ANALYSIS CANNOT ACCOUNT FOR THE LACK OF  
16:17:53 4 EXCLUSIVITY?

16:17:54 5 MR. CESTERO: OBJECTION. THAT'S AN  
16:17:54 6 INCOMPLETE HYPOTHETICAL, AND IT'S VAGUE AND  
16:17:56 7 AMBIGUOUS.

16:18:02 8 THE DEPONENT: THE -- THE -- AGAIN,  
16:18:03 9 THE DAMAGE -- THE DAMAGE MODEL THAT I'VE DONE, AND I  
16:18:04 10 HAVE AN OPINION ON, ASSUMES KNEUPER'S THEORY OF  
16:18:09 11 LIABILITY.

16:18:10 12 AND I WOULD HAVE TO UNDERSTAND THE  
16:18:11 13 FULL CIRCUMSTANCES OF ANY CHANGE IN HIS OPINION  
16:18:13 14 BEFORE I COULD RESPOND TO THAT.

16:18:14 15 BY MR. WOLFSON:

16:18:14 16 Q. AND IF THE -- HIS OPINION HAD TO  
16:18:15 17 CHANGE BECAUSE THERE WAS NO EXCLUSIVITY IN HAYMON'S  
16:18:20 18 NETWORK CONTRACTS AS OF MAY 2016, YOU WE HAVE TO  
16:18:25 19 REVISE YOUR DAMAGES ESTIMATES; ISN'T THAT RIGHT?

16:18:27 20 MR. CESTERO: OBJECTION; MISSTATES THE  
16:18:28 21 WITNESS'S TESTIMONY. IT'S AN INCOMPLETE  
16:18:31 22 HYPOTHETICAL.

16:18:31 23 THE DEPONENT: YEAH. I WOULD HAVE TO  
16:18:32 24 SEE WHAT THAT LOOKED LIKE IN -- IN A COMPREHENSIVE  
16:18:34 25 SENSE.

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## DEPOSITION OF GENE DEETZ

16:18:35 1 AND AS I SIT HERE TODAY, I WOULDN'T  
16:18:37 2 HAVE AN OPINIONS ONE WAY OR THE OTHER.  
16:18:40 3 BY MR. WOLFSON:  
16:18:40 4 Q. OKAY. YOU DON'T KNOW AS OF TODAY?  
16:18:42 5 A. THAT'S RIGHT.  
16:19:18 6 Q. COULD YOU TURN TO PAGE -- PARAGRAPH  
16:19:19 7 20. YOU SEE HERE, YOU SAY:  
16:19:22 8 "IN 2015 AND 2016, GOLDEN  
16:19:26 9 BOY EXPERIENCED A DECLINE IN  
16:19:27 10 THE NUMBER OF GOLDEN  
16:19:29 11 BOY-PROMOTED  
16:19:29 12 CHAMPIONSHIP-CALIBER- BOXER  
16:19:31 13 BROADCAST TELEVISION EVENTS AND  
16:19:33 14 ASSOCIATED REVENUES, AND A  
16:19:38 15 DECLINE IN THE NUMBER OF  
16:19:40 16 CHAMPIONSHIP-CALIBER BOXERS ON  
16:19:41 17 TELEVISED EVENTS."  
16:19:43 18 DO YOU SEE THAT?  
16:19:43 19 A. YES.  
16:19:44 20 Q. AND IS THE BASIS FOR THIS -- THIS  
16:19:49 21 OPINION EXHIBIT 1, WHICH YOU UPDATED TODAY?  
16:19:52 22 A. I BELIEVE IT IS IN PART. IT CERTAINLY  
16:19:54 23 IN PART IS.  
16:19:55 24 MR. WOLFSON: OKAY. I'LL NOTE FOR THE  
16:19:56 25 RECORD THAT WE RECEIVED THE UPDATE OF EXHIBIT 1

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## DEPOSITION OF GENE DEETZ

16:19:58 1 DURING THE DEPOSITION.

16:20:05 2 BY MR. WOLFSON:

16:20:05 3 Q. IN -- IN THIS PARAGRAPH, YOU ONLY

16:20:07 4 REFER TO GOLDEN BOY'S PERFORMANCE IN 2015 AND 2016

16:20:10 5 WITH RESPECT TO PROMOTION OF, QUOTE,

16:20:11 6 "CHAMPIONSHIP-CALIBER BOXERS."

16:20:13 7 DO YOU SEE THAT?

16:20:14 8 A. CHAMPIONSHIP-CALIBER BOXER --

16:20:16 9 BROADCAST TELEVISION EVENTS AND CHAMPIONSHIP-CALIBER

16:20:18 10 BOXERS. YES, I DO.

16:20:19 11 THANK YOU.

16:20:21 12 Q. WHY DO YOU MENTION ONLY PROMOTION OF

16:20:24 13 CHAMPIONSHIP-CALIBER BOXERS HERE?

16:20:33 14 A. JUST -- JUST TO PUT THE -- JUST TO

16:20:33 15 DEMONSTRATE THE DECLINE IN THE T.V. REVENUE, AND THE

16:20:38 16 DECLINE IN THE NUMBER OF EVENTS ON T.V., AND THE

16:20:40 17 DECLINE IN THE CHAMPIONSHIP-CALIBER BOXERS.

16:20:43 18 Q. WELL, DID YOU BELIEVE AT THE TIME YOU

16:20:44 19 WROTE YOUR REPORT THAT THE PROPER ANALYSIS FOR

16:20:46 20 DETECTING THE IMPACT ON GOLDEN BOY FROM THE ALLEGED

16:20:50 21 ANTICOMPETITIVE CONDUCT WAS GOLDEN BOY'S FINANCIAL

16:20:54 22 PERFORMANCE WITH RESPECT TO PROMOTING

16:20:57 23 CHAMPIONSHIP-CALIBER BOXERS?

16:20:59 24 MR. CESTERO: OBJECTION. IT'S VAGUE

16:21:03 25 AND AMBIGUOUS.

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## DEPOSITION OF GENE DEETZ

16:21:03 1 THE DEONENT: AS I -- AS I TESTIFIED  
16:21:03 2 THIS MORNING, I THINK THE PROPER DAMAGE CALCULATION  
16:21:07 3 ENCOMPASSES BOTH CHAMPIONSHIP-CALIBER AND  
16:21:09 4 NON-CHAMPIONSHIP-CALIBER BOXERS COMPARING '14 TO '15  
16:21:12 5 AND '15 TO '16.  
16:21:13 6 BY MR. WOLFSON:  
16:21:13 7 Q. OKAY. AND -- AND WHY DO YOU BELIEVE  
16:21:14 8 THAT'S THE PROPER ANALYSIS?  
16:21:16 9 MR. CESTERO: OBJECTION; ASKED AND  
16:21:17 10 ANSWERED.  
16:21:19 11 THE DEONENT: BECAUSE THE -- BECAUSE  
16:21:22 12 KNEUPER OPINES THE IMPACT OF THE TYING OF THE  
16:21:28 13 PROMOTION AND THE MANAGEMENT AND THE LOCKUP OF THE  
16:21:32 14 T.V.'S HARMS GOLDEN BOY AND ITS ABILITY TO GET YOUNG  
16:21:37 15 PROSPECTS THROUGH THE PROCESS OF DEVELOPING THEM INTO  
16:21:41 16 CHAMPIONSHIP-CALIBER BOXERS.  
16:21:43 17 BY MR. WOLFSON:  
16:21:43 18 Q. UH-HUH.  
16:21:43 19 A. AND SO I'VE CONSIDERED AND -- AND IN  
16:21:48 20 ADDITION, WE'VE TOUCHED ON THIS AS WELL. THAT'S PART  
16:21:50 21 OF IT, ATTRACTING CHAMPIONSHIP-CALIBER BOXERS, AND  
16:21:52 22 THE IMPORTANCE OF OPPONENTS ALL GO INTO THOSE FOUR  
16:21:56 23 CATEGORIES THAT I'VE BROKEN OUT IN EXHIBIT 3.  
16:22:03 24 Q. BUT YOU'RE NOT OPINING THAT GOLDEN BOY  
16:22:05 25 ACTUALLY WAS UNABLE TO ATTRACT YOUNG PROSPECTS THAT

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## DEPOSITION OF GENE DEETZ

16:22:07 1 IT COULD THEN DEVELOP INTO CHAMPIONSHIP-CALIBER  
16:22:10 2 BOXERS?  
16:22:11 3 MR. CESTERO: OBJECTION. IT'S VAGUE  
16:22:12 4 AND AMBIGUOUS.  
16:22:13 5 THE DEPONENT: LITERALLY UNABLE, I'M  
16:22:14 6 NOT OPINING ON THAT.  
16:22:16 7 WHAT I'M OPINING ON IS THEY'VE BEEN  
16:22:18 8 DAMAGED IN THEIR ABILITY TO ATTRACT THOSE, AND I --  
16:22:23 9 I -- I SEE THAT IN THE DECLINE IN THE NUMBER OF  
16:22:25 10 BOXERS FROM '14 TO '15 AND '15 TO '16.  
16:22:27 11 BY MR. WOLFSON:  
16:22:27 12 Q. YOU ARE OPINING ON THE ASSUMPTION THAT  
16:22:31 13 THEY WERE UNABLE TO; RIGHT? OR ARE YOU OPINING THAT  
16:22:33 14 THEY ACTUALLY WERE UNABLE TO ATTRACT THESE YOUNG  
16:22:37 15 BOXERS?  
16:22:37 16 A. NO. I'M -- I'M RELYING ON KNEUPER'S  
16:22:42 17 OPINION FOR THE DAMAGES.  
16:22:42 18 Q. AND NOT ONLY DAMAGES, BUT FOR THE  
16:22:44 19 THEORY OF LIABILITY FOR YOUR DAMAGES ANALYSIS?  
16:22:47 20 A. THAT'S CORRECT.  
16:22:57 21 Q. PARAGRAPH 22?  
16:22:58 22 A. YOU SAY YOU EVALUATED GOLDEN BOY'S  
16:23:00 23 DAMAGES BASED ON THE HYPOTHETICAL BUT-FOR ANALYSIS  
16:23:03 24 WHERE HAYMON ONLY ACTS AS A MANAGER.  
16:23:12 25 IF THE FACTS SHOW THAT HAYMON DID ONLY

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## DEPOSITION OF GENE DEETZ

16:24:03 1 SOME PORTION OF HIS OPINION, THEN I WOULDN'T -- I  
16:24:05 2 WOULDN'T HAVE AN OPINION ON WHAT THE IMPACT OF THAT  
16:24:05 3 WOULD BE ON MY DAMAGES.

16:24:09 4 MY DAMAGES CONSIDERS HIS OPINION IN  
16:24:10 5 TOTAL, AND IT DRIVES THE DAMAGES IN TOTAL.

16:24:13 6 Q. YOUR DAMAGES OPINION -- THE BUT-FOR  
16:24:16 7 WORLD, THE WORLD AS IT SHOULD HAVE BEEN -- IS ONE IN  
16:24:19 8 WHICH HAYMON ACTED ONLY AS A MANAGER; RIGHT?

16:24:25 9 A. YES.

16:24:26 10 Q. AND IF IT'S PROVEN THAT HAYMON ACTED  
16:24:27 11 ONLY AS A MANGER IN THE WORLD AS IT IS, IS IT CORRECT  
16:24:31 12 THAT YOU -- YOU WOULD HAVE TO CONCLUDE THERE ARE NO  
16:24:33 13 DAMAGES TO GOLDEN BOY?

16:24:35 14 MR. CESTERO: OBJECTION. IT'S AN  
16:24:36 15 INCOMPLETE HYPOTHETICAL.

16:24:37 16 THE DEPONENT: NO.

16:24:38 17 THERE'S SEVERAL FACTORS HERE I  
16:24:40 18 WOULDN'T HAVE AN OPINION ON, BECAUSE THERE'S A TYING  
16:24:46 19 OF THE PROMOTION AND MANAGEMENT AND LOCKOUT ON  
16:24:48 20 TELEVISION, AND POSSIBLY OTHER STUFF THAT KNEUPER  
16:24:51 21 BUILDS INTO HIS -- HIS LIABILITY THEORY.

16:24:54 22 BY MR. WOLFSON:

16:24:54 23 Q. UH-HUH.

16:24:54 24 A. AND SO TO THE EXTENT THAT ONE OF  
16:25:03 25 THOSE -- IN A HYPOTHETICAL -- ONE OF THOSE IS FOUND

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## DEPOSITION OF GENE DEETZ

16:35:56 1 GO AHEAD.

16:35:56 2 THE DEPONENT: THAT -- THAT ROSTER DID

16:35:57 3 CHANGE. AND THE -- THE -- I THINK THAT THE NET

16:36:01 4 CHANGE IS ALLEGED TO BE HARM FROM THE ANTICOMPETITIVE

16:36:02 5 BEHAVIOR.

16:36:02 6 BY MR. WOLFSON:

16:36:02 7 Q. YOU'RE NOT AWARE OF THE FACTS OF

16:36:09 8 SPECIFIC BOXERS THAT GOLDEN BOY WAS PRECLUDED FROM

16:36:10 9 PROMOTING IN 2015?

16:36:12 10 MR. CESTERO: OBJECTION; VAGUE AND

16:36:13 11 AMBIGUOUS.

16:36:13 12 THE DEPONENT: I'M NOT AWARE OF

16:36:18 13 ANYTHING IN A LITERAL, SPECIFIC-BOXER SENSE THAT --

16:36:21 14 THAT -- THAT SAYS THAT.

16:36:22 15 BY MR. WOLFSON:

16:36:22 16 Q. IN DR. KNEUPER'S REPORT, ARE YOU AWARE

16:36:23 17 OF ANY SPECIFIC BOXERS THAT HE CLAIMS GOLDEN BOY WAS

16:36:27 18 PRECLUDED FROM PROMOTING IN 2015 OR 2016?

16:36:36 19 MR. CESTERO: OBJECTION; VAGUE AND

16:36:36 20 AMBIGUOUS.

16:36:36 21 THE DEPONENT: YEAH. I -- I AM NOT.

16:36:38 22 IT'S 60 PAGES. BUT AS I SIT HERE, I DON'T RECALL A

16:36:45 23 SPECIFIC BOXER.

16:36:46 24 BY MR. WOLFSON:

16:36:46 25 Q. IN DR. KNEUPER'S REPORT, ARE YOU AWARE

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## DEPOSITION OF GENE DEETZ

16:36:48 1 OF ANY SPECIFIC BOUTS OR FIGHTS THAT HE CLAIMS WERE  
16:36:51 2 PRECLUDED DUE TO THE HAYMON ENTITIES' ANTICOMPETITIVE  
16:36:59 3 ACTIVITIES?  
16:37:00 4 MR. CESTERO: OBJECTION. IT'S VAGUE  
16:37:01 5 AND AMBIGUOUS.  
16:37:01 6 THE DEPONENT: YEAH. AS I SIT HERE  
16:37:02 7 TODAY, I DON'T RECALL ANY.  
16:37:04 8 BY MR. WOLFSON:  
16:37:04 9 Q. IS THERE ANYTHING IN DR. SMITH'S  
16:37:07 10 REBUTTAL REPORT THAT YOU DISAGREE WITH?  
16:37:13 11 MR. CESTERO: OBJECTION; VAGUE AND  
16:37:14 12 AMBIGUOUS.  
16:37:14 13 THE DEPONENT: I'M JUST HESITATING  
16:37:14 14 BECAUSE I WAS TRYING -- FOR SOME REASON I HAVE GARY  
16:37:14 15 SHAW STUCK IN MY HEAD.  
16:37:19 16 SO YOU MEAN THE DR. SMITH -- DR. SMITH  
16:37:19 17 THAT WROTE THE REBUTTAL REPORT TO MY OPINION?  
16:37:49 18 BY MR. WOLFSON:  
16:37:49 19 Q. YES.  
16:37:50 20 A. SORRY ABOUT THAT.  
16:37:51 21 Q. THAT'S OKAY.  
16:37:51 22 A. YEAH. I DISAGREE WITH SEVERAL THINGS  
16:38:07 23 IN HIS REPORT.  
16:38:08 24 Q. OKAY. WHAT DO YOU DISAGREE WITH IN  
16:38:10 25 HIS REPORT?

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## DEPOSITION OF GENE DEETZ

16:39:54 1 ANY OPINIONS THAT I -- THAT I HELD WHEN I ORIGINALLY  
16:39:57 2 DID THIS REPORT.

16:40:01 3 AND THEN I CAN GO PARAGRAPH BY  
16:40:02 4 PARAGRAPH IF YOU'D LIKE, OR WE CAN DO IT BY MAJOR  
16:40:05 5 TOPIC.

16:40:06 6 I DON'T WANT TO -- I -- I'M NOT  
16:40:06 7 SURE THAT I CAN START AT PARAGRAPH 5 AND GO THROUGH  
16:40:08 8 THE ENTIRE REPORT OR --  
16:40:10 9 BY MR. WOLFSON:

16:40:10 10 Q. I GUESS I'D BE CURIOUS ABOUT MAJOR  
16:40:12 11 TOPICS THAT YOU -- THAT YOU DISAGREE WITH.

16:40:16 12 A. OKAY. AND IF I MISS ANYTHING, THEN I  
16:40:19 13 WANT TO SAY THERE WAS NOTHING IN HERE THE CAUSED ME  
16:40:21 14 TO CHANGE OPINIONS --

16:40:22 15 Q. CHANGE YOUR OPINION?

16:40:24 16 A. -- CHANGE MY OPINIONS. OKAY?

16:40:25 17 Q. UH-HUH.

16:40:26 18 A. SO METHODOLOGICALLY, I -- I THINK I  
16:40:27 19 DID PROPERLY APPLY THE BUT-FOR METHODOLOGY.

16:40:30 20 I DO THINK THAT THERE'S -- AND LET ME  
16:40:31 21 SLOW DOWN SO I CAN DO THIS AND GET IT ON THE RECORD  
16:40:33 22 CLEARLY.

16:40:37 23 I DO THINK THAT THERE'S A PROPER  
16:40:38 24 CAUSAL LINK IN -- EXPRESSED IN DR. KNEUPER'S REPORT  
16:40:42 25 THAT I'M RELYING ON FOR MY DAMAGES.

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## DEPOSITION OF GENE DEETZ

16:40:46 1 AND I -- I CONSIDER Y-'14 AS A PROPER  
16:40:48 2 BASE YEAR --  
16:40:48 3 Q. UH-HUH.  
16:40:49 4 A. -- AND I THINK IT'S -- FOR THE REASONS  
16:40:50 5 WE'VE DISCUSSED.  
16:40:56 6 I DON'T THINK THAT THERE'S A TREND  
16:40:56 7 THAT IN ANY OF THE PRE-EXISTING YEARS THAT WOULD  
16:41:00 8 CAUSE ME -- IT DOESN'T CAUSE ME TO WANT TO CHANGE MY  
16:41:09 9 OPINION.  
16:41:10 10 I THINK THAT '14 IS THE APPROPRIATE  
16:41:11 11 BASE YEAR.  
16:41:12 12 I THINK THAT THE -- THE DIFFERENCE OF  
16:41:18 13 OPINIONS WE HAVE IS ALSO IN HIS CRITICISM OF ME FOR  
16:41:21 14 NOT REMOVING MR. MAYWEATHER -- AND I'M -- I'M GOING  
16:41:24 15 TO GENERALIZE HIS DISCUSSION OF IT. BUT I THINK I  
16:41:27 16 HAVE A FAIR HANDLE ON IT -- FOR NOT REMOVING  
16:41:33 17 MR. MAYWEATHER FROM 2014 BASE YEAR.  
16:41:38 18 AND WE'VE DISCUSS WHY -- I THINK IN A  
16:41:39 19 FAIRLY DETAILED WAY -- WHY I THINK THAT THAT SHOULD  
16:41:43 20 STAY IN.  
16:41:44 21 WE DISCUSSED MY REASONING ON  
16:41:45 22 MR. SCHAEFER AND THE EXECUTIVES LEAVING.  
16:41:49 23 AND WE'VE DISCUSSED THE DIFFERENT  
16:41:50 24 VIEWS THAT HE AND I HAVE ON WHETHER OR NOT THE 14  
16:41:53 25 MILLION DOLLARS THAT WAS PAID AS PART OF THE

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## DEPOSITION OF GENE DEETZ

16:41:54 1 SETTLEMENT, IN MY OPINION, SHOULD NOT BE CONSIDERED  
16:42:00 2 AND OFFSET TO DAMAGES.  
16:42:05 3 AND SO I THINK FROM A -- AND I ALSO  
16:42:10 4 DON'T THINK THAT DAMAGES SHOULD BE LIMITED TO  
16:42:12 5 CHAMPIONSHIP-CALIBER BOXERS, AND WE'VE DISCUSSED  
16:42:16 6 THAT.  
16:42:17 7 AND THAT MY MODEL -- DAMAGE MODEL,  
16:42:18 8 WHICH I THINK IS PROPER METHODOLOGY, ADDRESSES ALL OF  
16:42:25 9 THE KNEUPER LIABILITY THEORY.  
16:42:30 10 AND -- AND HE CRITICIZES ME FOR NOT  
16:42:32 11 PROVIDING A MODEL THAT WOULD ALLOW -- AND YOU HAD  
16:42:45 12 SOME QUESTIONS ALONG THOSE LINES WITH ME TODAY  
16:42:48 13 THAT -- NOT ALLOWING ME TO BE ABLE TO LOOK AT  
16:42:51 14 DIFFERENT COMPONENTS OF THAT.  
16:42:53 15 AND MY RESPONSE, I WOULD STATE, IS  
16:42:54 16 I -- I -- I ADOPTED KNEUPER IN TOTAL, AND I'D HAVE TO  
16:42:58 17 SEE ALL THE FACTS AND CIRCUMSTANCES IN A DIFFERENT  
16:43:02 18 REPORT BY DR. KNEUPER, OR SOME OTHER INSTRUCTION,  
16:43:04 19 THAT GAVE ME ALL THE FACTS AND CIRCUMSTANCES TO  
16:43:07 20 CONSIDER CHANGING THAT.  
16:43:10 21 I DID SAY TODAY ALSO ON THAT POINT,  
16:43:14 22 THOUGH, THAT WHAT WE DO HAVE IS A COMPREHENSIVE  
16:43:16 23 FIGHTER-BY-FIGHTER, EVENT-BY-EVENT MODEL.  
16:43:21 24 AND SO TO THAT EXTENT, AS AN EXAMPLE,  
16:43:26 25 WE LOOKED AT THE NUMBERS ON -- ON MR. MAYWEATHER THIS

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## DEPOSITION OF GENE DEETZ

16:43:28 1 MORNING, AND WE WENT THROUGH SOME -- SOME -- SOME  
16:43:28 2 CALCULATION ON THE 2.2. MILLION THAT MAYWEATHER --  
16:43:32 3 BOTH FIGHTS FOR MAYWEATHER WERE IN THE 2014 P & L.  
16:43:36 4 AND WE TALKED ABOUT THE ABILITY TO  
16:43:41 5 MAYBE CRITICIZE THE -- THE METRIC FOR THE  
16:43:44 6 CHAMPIONSHIP-CALIBER BOXER. AND THE MODEL IS --  
16:43:49 7 IS -- IT CAN HANDLE THAT, AND IT CAN HANDLE IT VERY  
16:43:53 8 EFFICIENTLY.  
16:43:56 9 BUT -- BUT THE -- BUT MY POINT IS IS  
16:43:57 10 THAT THAT MODEL, WHICH I THINK'S APPROPRIATE, ADOPTS  
16:44:03 11 KNEUPER'S LIABILITY THEORY IN TOTAL, BUT IT ALSO HAS  
16:44:06 12 A TREMENDOUS AMOUNT OF FUNCTIONALITY AND GAVE ME A  
16:44:09 13 TREMENDOUS AMOUNT OF INSIGHT INTO THE DETAILED  
16:44:12 14 FINANCIAL OPERATIONS OF THE COMPANY.  
16:44:13 15 WE'VE TALKED ABOUT THE FACT THAT I  
16:44:15 16 DON'T IDENTIFY A SPECIFIC EVENT -- AND WHY I DON'T  
16:44:19 17 IDENTIFY A SPECIFIC EVENT -- TODAY. AND I DISAGREE  
16:44:21 18 THAT YOU DON'T HAVE TO DO THAT OR SHOULD BE ABLE TO  
16:44:24 19 DO THAT.  
16:44:26 20 YOU CAN'T DO WHAT I'VE DONE, IN TERMS  
16:44:37 21 OF -- OF -- OF THE ASSUMPTIONS.  
16:44:39 22 AND WHILE -- I'VE GIVEN YOU THE  
16:44:41 23 ASSUMPTIONS I'M USING IN THE MODEL BASED ON KNEUPER'S  
16:44:44 24 LIABILITY THEORY.  
16:44:45 25 WE'VE TALKED ABOUT THE -- I DON'T KNOW

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## DEPOSITION OF GENE DEETZ

16:44:47 1 IF YOU ASKED ABOUT THE YARDSTICK. WE TALKED ABOUT

16:44:49 2 THE YARDSTICK, THE BUT-FOR.

16:44:53 3 AND I DO THINK I HAVE AN ACCEPTED  
16:44:54 4 METHODOLOGY, AM VERY EXPERIENCED IN THIS, AND I THINK  
16:44:56 5 IT'S THE RIGHT METHOD AND THE RIGHT APPROACH.

16:45:02 6 MY BUT-FOR PERIOD IS A RELIABLE  
16:45:03 7 PREDICTOR. WE'VE TALKED ABOUT THAT.

16:45:08 8 WE'VE TALKED Y-'14 IS A REASONABLE  
16:45:11 9 BASE YEAR.

16:45:11 10 TALKED ABOUT WHY I DON'T BELIEVE  
16:45:13 11 THERE'S A TREND THAT'S -- THAT -- THAT WOULD CAUSE  
16:45:18 12 ANY ADJUSTMENT.

16:45:20 13 AND I THINK WHEN WE GET IN -- I'M BACK  
16:45:21 14 NOW ON PAGE 11, AS AN EXAMPLE. AND WE GET INTO:  
16:45:29 15 I'VE FAILED TO CONTROL FOR FACTORS.

16:45:35 16 WE'VE TALKED ABOUT MR. SCHAEFER. AND  
16:45:36 17 I THINK THE ONE HE POINTS -- BUT HE -- HE POINTS MORE  
16:45:42 18 STATISTICALLY TO, WHEN HE COMPUTES, IN HIS VIEW WHAT  
16:45:45 19 WOULD MAKE MY DAMAGES ZERO IS THE -- THE -- THE 2.2  
16:45:49 20 MILLION FOR MAYWEATHER AND THE 14 MILLION -- MR.  
16:45:54 21 MAYWEATHER -- AND AT THE 14 MILLION FOR THE  
16:45:57 22 SETTLEMENT.

16:46:01 23 AND -- AND WITHOUT -- I GUESS I  
16:46:03 24 COULD -- I THINK THE -- JUST PAUSE THERE.

16:46:04 25 AND TO THE BEST OF MY ABILITY, THAT'S

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## DEPOSITION OF GENE DEETZ

1 STATE OF CALIFORNIA )  
2 COUNTY OF LOS ANGELES ) .SS

3  
4 I, TRACY M. FOX, CERTIFIED SHORTHAND  
5 REPORTER, CERTIFICATE NUMBER 10449, FOR THE STATE  
6 OF CALIFORNIA, HEREBY CERTIFY:

7 THE FOREGOING PROCEEDINGS WERE TAKEN  
8 BEFORE ME AT THE TIME AND PLACE THEREIN SET FORTH,  
9 AT WHICH TIME THE DEPONENT WAS PLACED UNDER OATH  
10 BY ME;

11 THE TESTIMONY OF THE DEPONENT AND ALL  
12 OBJECTIONS MADE AT THE TIME OF THE EXAMINATION  
13 WERE RECORDED STENOGRAPHICALLY BY ME AND WERE  
14 THEREAFTER TRANSCRIBED;

15 THE FOREGOING TRANSCRIPT IS A TRUE AND  
16 CORRECT TRANSCRIPT OF MY SHORTHAND NOTES SO TAKEN;

17 I FURTHER CERTIFY THAT I AM NEITHER  
18 COUNSEL FOR NOR RELATED TO ANY PARTY TO SAID  
19 ACTION, NOR IN ANY WAY INTERESTED IN THE OUTCOME  
20 THEREOF.

21 IN WITNESS WHEREOF, I HAVE HEREUNTO  
22 SUBSCRIBED MY NAME THIS 24TH DAY OF OCTOBER, 2016.  
23  
24  
25



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